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Official Report of Debates (Hansard)

Thursday 13 April 2017

Journal des débats (Hansard)

Jeudi 13 avril 2017

Standing Committee on Justice Policy

Supporting Children, Youth
and Families Act, 2017

Comité permanent de la justice

Loi de 2017 sur le soutien
à l'enfance, à la jeunesse
et à la famille

Chair: Shafiq Qaadri
Clerk: Christopher Tyrell

Président : Shafiq Qaadri
Greffier : Christopher Tyrell

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CHAPTER II

The second part of the book is devoted to a detailed examination of the various theories which have been advanced to explain the origin of the human mind.

CHAPTER III

The third part of the book is devoted to a detailed examination of the various theories which have been advanced to explain the origin of the human mind.

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
JUSTICE POLICYCOMITÉ PERMANENT
DE LA JUSTICE

Thursday 13 April 2017

Jeudi 13 avril 2017

*The committee met at 0901 in committee room 1.*SUPPORTING CHILDREN, YOUTH
AND FAMILIES ACT, 2017LOI DE 2017 SUR LE SOUTIEN
À L'ENFANCE, À LA JEUNESSE
ET À LA FAMILLE

Consideration of the following bill:

Bill 89, An Act to enact the Child, Youth and Family Services Act, 2017, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts / Projet de loi 89, Loi édictant la Loi de 2017 sur les services à l'enfance, à la jeunesse et à la famille, modifiant et abrogeant la Loi sur les services à l'enfance et à la famille et apportant des modifications connexes à d'autres lois.

Le Président (M. Shafiq Qaadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice. Welcome, colleagues. We are here for clause-by-clause consideration of Bill 89, An Act to enact the Child, Youth and Family Services Act, 2016, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts.

We have before us, I believe, a new record for committee: 320 amendments and pending.

Before we begin, I would like to draw the committee's attention to the last two amendments in your packages, amendments 296 and 297. As they modify the preamble to schedule 1 of the bill, they will be dealt with at the end of the consideration of schedule 1, and they should be moved immediately following amendment 279. In any case, a procedural issue. We'll remind you folks when the time comes.

I'll take it as the will of the committee to stand down sections 1, 2 and 3 as we need to move immediately to the consideration of schedule 1, for which we have motion 1, PC motion: Ms. Martow—unless there are any other comments of a general nature before we begin. Fine. The floor is yours, Ms. Martow.

Mrs. Gila Martow: I move that section 1 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Child's voice

“(1.1) In determining the best interests of the child in respect of all matters affecting them, the child's voice

shall be solicited, heard and considered, and shall be given due weight in appreciation of their evolving capacity unless there is a demonstrably good cause to do otherwise.”

Basically, we're trying to bring just a little bit more focus into the bill for Katelynn's Principle, which speaks to the best interests of the child. This amendment is supported by testimony from the provincial advocate, OPSEU and several other witnesses. Of course, we want more of a child-centred approach. Although section 3 of Bill 89 provides rights to children and young people receiving services under the act, Katelynn's Principle should also be reflected in the paramount purpose of the act.

The Chair (Mr. Shafiq Qaadri): Any further comments before—Miss Taylor?

Miss Monique Taylor: I would also like to reiterate the comments made by the official opposition, Ms. Martow. We heard from many presenters how important it was to have Katelynn's Principle enacted in the bill to ensure that it had teeth, to ensure that there was a true vision, that children's voices will be heard and seen. I will be bringing forward the next motion, which reflects this also.

The Chair (Mr. Shafiq Qaadri): Further comments before we vote? If none, we'll proceed to the vote. Those in favour of PC motion 1? Those opposed? PC motion 1 falls.

NDP motion 2: Miss Taylor.

Miss Monique Taylor: I move that section 1 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Katelynn's Principle—best interests

“(1.1) In determining the best interests of a child for the purpose of making a decision about the child or providing a service to the child under this act, the voice, views, and wishes of the child shall be given due weight in accordance with the child's evolving capacity.”

If I may, Chair, again, this was something that was brought forward from—I would say the majority of the presenters who presented in front of us talked about the importance of really putting this in the bill and strengthening the bill to bring it to what the government says it wants it to be. Putting this legislation and this wording in ensures that a child really does have a voice. I hope that we can get support on this motion.

The Chair (Mr. Shafiq Qaadri): Ms. Martow?

Mrs. Gila Martow: Again, this was very similar to the previous motion, but I hope that it will be supported. This is, again, part of a preamble to the bill. I wouldn't say it doesn't have teeth, but it certainly sets out a direction for everyone to understand.

I would just want to put it on the record that I would worry that this is not being supported by the government side just because my colleague from the third party put forward a private member's bill of the same name as Katelynn's Principle.

The Chair (Mr. Shafiq Qaadri): Any further points, questions or comments before we proceed to the vote? We'll then proceed to the vote. Those in favour of NDP motion 2? Those opposed? NDP motion 2 falls.

Government motion 3, to Ms. Kiwala.

Ms. Sophie Kiwala: I move that paragraphs 4 and 5 of subsection 1(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"4. Services to children and young persons and their families should be provided in a manner that respects regional differences, wherever possible.

"5. Services to children and young persons and their families should be provided in a manner that builds on the strengths of the families, wherever possible."

The Chair (Mr. Shafiq Qaadri): Comments? Ms. Martow.

Mrs. Gila Martow: I would just want to say that I will be supporting this. I understand that it's just respecting regional differences and just changing some of the wording. We're happy to support it.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll proceed to the vote. Those in favour of government motion 3? None opposed. Government motion 3 carries.

Government motion 4; Ms. Kiwala.

Ms. Sophie Kiwala: I move that paragraph 6 of subsection 1(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "First Nations, Inuit and Métis children and families"—quotation; sorry I should have added that—and substituting "First Nations, Inuit and Métis children and young persons and their families".

Mr. Shafiq Qaadri: Thank you, Ms. Kiwala. Just to let you know, the committee is agile enough to fill in the quotes. You don't have to specify.

Any comments? Ms. Martow.

Mrs. Gila Martow: I just wanted to clarify that we're changing "children and families" to "children and young persons and their families" because I'm guessing that some of the youth who are involved prefer not to be called children. I would just want the government to clarify that that was their reasoning.

The Chair (Mr. Shafiq Qaadri): Are there any further comments or replies? Yes, Mr. McDonell.

Mr. Jim McDonell: Is there any explanation for the amendment?

The Chair (Mr. Shafiq Qaadri): Just hit the microphone there, Mr. McDonell, please.

Interjection.

Mrs. Gila Martow: He's saying to just speak closer to the microphone.

Mr. Jim McDonell: Oh, I'm sorry. I'm just wondering if there's an explanation for the amendment. Usually we get that when there's an amendment put in there. Is there an explanation from the government on why the amendment is being put in?

The Chair (Mr. Shafiq Qaadri): Well, you're welcome to pose the question. If the government feels ready to reply, they're welcome to—or not, as they see fit. Are there any further comments or questions or replies on government motion 4? Yes, Ms. Kiwala.

Ms. Sophie Kiwala: The term "children" in the act only includes those under the age of 18. The term "young persons" includes individuals over the age of 18 who are held under the Youth Criminal Justice Act or the Young Offenders Act.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 4? If none, we'll proceed to the vote. Those in favour of government motion 4, if any? Those opposed? Government motion 4 carries.

NDP motion 5.

0910

Miss Monique Taylor: I move that subsection 1(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following paragraphs:

"8. That services provided under this act should be provided in accordance with,

"(i) the United Nations Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989, and to which Canada is a party, and

"(ii) the Charter of Rights and Freedoms (Canada) and the Human Rights Code.

"9. That service providers ought to be exemplars of,

"(i) the meaningful and empowered participation of children and young persons, and

"(ii) principles of anti-racism, anti-discrimination and the promotion of equitable outcomes in all their services, policies and decision-making."

This was brought forward by many presenters, including UNICEF, PACY and several others. I hope that we can get this through to ensure that there are further rights within the act to support and keep children safe.

The Chair (Mr. Shafiq Qaadri): Any comments before we proceed to the vote on NDP motion 5? Ms. Martow.

Mrs. Gila Martow: Again, I think that we support involving the United Nations Convention on the Rights of the Child. In Ottawa, we adopted the UN protocol on many things to deal with anti-Semitism and racism and things like that. I think that it's very important that Ontario legislation follows all of our efforts to make it a more inclusive and tolerant society, which we keep hearing from the government.

I don't know if the government lawyer wants to comment on if it's even permissible to add in other protocols that have been legislated by the UN that Canada has

signed treaties on or things like that—how that has to be adopted into the bill.

The Chair (Mr. Shafiq Qaadri): Further comments, replies, questions?

Miss Monique Taylor: Can I have a recorded vote, please, Chair?

The Chair (Mr. Shafiq Qaadri): Yes; most welcome. If we're ready to proceed to the vote, then we will.

Ayes

Martow, McDonell, Taylor.

Nays

Colle, Kiwala, Potts, Rinaldi, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 5 falls. Shall schedule 1, section 1, as amended, carry? Carried.

We'll proceed to NDP motion 6.

Miss Monique Taylor: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section before the heading "Interpretation":

"Elimination of child and family poverty

"1.1 The government of Ontario shall take necessary steps to work toward the elimination of child and family poverty in Ontario."

We heard very clearly, Chair, that many of the reasons that young people come into our system are due to poverty issues. To keep kids out of care, to keep kids out of corrections, to keep kids safe, we need to ensure that their families are not living in poverty in Ontario.

The Chair (Mr. Shafiq Qaadri): Further comments to NDP motion 6? Yes, Ms. Martow.

Mrs. Gila Martow: I'm just wondering if the government lawyer or the members from the government have any comments on if this would affect any other bills. I'm just learning how to draft amendments and how bills work. A lot of times, I know that amendments are put forward and they have to be withdrawn because they would be affecting other bills. I'm just wondering how this would affect any other government bills.

The Chair (Mr. Shafiq Qaadri): The floor is open: first to Ms. Kiwala, and if there are staff here who wanted to weigh in. Go ahead.

Ms. Sophie Kiwala: The Poverty Reduction Act already commits Ontario to work toward reducing child and family poverty, and therefore the provision would be redundant.

The Chair (Mr. Shafiq Qaadri): Are there any further comments?

Miss Monique Taylor: Recorded vote.

The Chair (Mr. Shafiq Qaadri): Recorded vote on NDP motion 6. Those in favour of NDP motion 6—recorded vote.

Interjections.

The Chair (Mr. Shafiq Qaadri): All right, we'll do that again. NDP motion 6, recorded vote.

Ayes

Taylor.

Nays

Colle, Kiwala, Potts, Rinaldi, Vernile.

The Chair (Mr. Shafiq Qaadri): NDP motion 6 falls. NDP motion 7: Miss Taylor.

Miss Monique Taylor: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section before the heading "Interpretation":

"Minister's mandate

"1.2 The minister shall,

"(a) take preventative measures and make resources available to ensure the person with custody of a child, the extended family of a child, and the community of a child are supported in the performance of child-rearing responsibilities;

"(b) make services and resources available to ensure that a child is not separated from their family or from their community because of disability, lack of health care, educational needs, inadequate shelter or financial hardship; and

"(c) ensure that funding and other support provided to First Nations, Inuit and Métis children are comparable in quality and accessibility to services provided to other children, and is adequate to meet their needs."

This was something that the advocate brought forward. It is measures, really, to preserve and support families—quite frankly, proactive measures—ensuring that they're in place to keep families together and not separated.

The Chair (Mr. Shafiq Qaadri): Any comments on motion 7? If not, we'll proceed to the vote. Those in favour of NDP motion 7? Those opposed? NDP motion 7 falls.

We proceed now to PC motion 8.

Mrs. Gila Martow: I move that the definition of "child" in subsection 2(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding "and, for the purposes of part II, includes a person older than 18 who is receiving services unless the person is the parent of a child" at the end.

The Chair (Mr. Shafiq Qaadri): Comments on PC motion 8?

Mrs. Gila Martow: Just that we need to consider those who are over 18 in care, but not involving parents of kids in care. That, I think, might get a little tricky, going forward, once we have 16- and 17-year-olds in care—I'm sure it happens sometimes for 14- and 15-year-olds—where they're actually parents themselves. So when we're giving rights to kids and giving rights to parents and giving rights to everybody, there can be

consequences. I just want to put on the record that I'm thinking about that and concerned about it, if a young person is receiving services under the act, or they're a member of that child's community, that they can be involved.

I think that it's also about giving voice to the youth in care, which is basically what we were hearing at the hearings from just about everybody.

The Chair (Mr. Shafiq Qaadri): Any further comments on PC motion 9? Are we on 8 or 9? We're on 8.

Mr. Jim McDonell: Chair?

The Chair (Mr. Shafiq Qaadri): Mr. McDonell.

Mr. Jim McDonell: I think the whole point of the amendment is that it would strengthen the bill so the child is at the centre of the decision-making process, and it would enact Katelynn's Principle into the act. That's really the intent.

The Chair (Mr. Shafiq Qaadri): Any further comments on PC motion 8? Proceeding to the vote, those in favour of PC motion 8? Those opposed? PC motion 8 falls.

PC motion 9.

Mrs. Gila Martow: I move that subsection 2(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following definition:

“‘child pornography’ means,

“(a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,

“(i) that shows a child engaged in, or depicted as engaged in, explicit sexual activity, or

“(ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ of a child or the anal region of a child,

“(b) any written material or visual representation that advocates or counsels sexual activity with a child that would be an offence under the Criminal Code (Canada),

“(c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a child that would be an offence under the Criminal Code (Canada), or

“(d) any audio recording that has as its dominant characteristic, the description, presentation or representation, for a sexual purpose, of sexual activity with a child that would be an offence under the Criminal Code (Canada); (‘pornographie juvénile’)”

0920

We're just seeking to clarify, once we're trying to protect children in care, that there are no cracks in the system. We're clarifying what exactly would be considered child pornography in the Child Pornography Reporting Act, 2008, which was Bill 37. We're just concerned that the omission of amendments to the original act would be problematic in the future in apprehending people who are taking advantage of kids in care.

I think it's a particular problem for kids in care when they're being taken away from their parents—that we ensure that they're not being put in a more difficult

situation. Again, we don't have crystal balls; we have to just do our best to ensure that everybody is thinking about it and concerned about it. Seeing as we're focusing on involving children, talking to children and empowering social workers to talk to children about difficult conversations, there's a purpose to all that.

The Chair (Mr. Shafiq Qaadri): Mr. McDonell and then Ms. Kiwala.

Mr. Jim McDonell: I think that we can all agree that any type of sexual exploitation of a child should not be tolerated and that we should do everything we can as legislators to protect the most vulnerable children and youth from abuse. Sexual exploitation of children and child pornography should be included in the criteria for determining whether a child is in need of protection.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala.

Ms. Sophie Kiwala: We will be opposing the motion because the Child, Youth and Family Services Act already covers the harms associated with child pornography through existing grounds for protection. The Child, Youth and Family Services Act, 2016, already protects the children contemplated under the Child Pornography Reporting Act.

The Chair (Mr. Shafiq Qaadri): Further comments to PC motion 9? None? We'll proceed to the vote. Those in favour of PC motion 9?

Mrs. Gila Martow: Can I ask for a recorded vote?

The Chair (Mr. Shafiq Qaadri): Recorded vote.

Ayes

Martow, McDonell.

Nays

Kiwala, Potts, Rinaldi, Vernile.

The Chair (Mr. Shafiq Qaadri): PC motion 9 falls. Government motion 10: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 2(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following definition:

“‘creed’ includes religion; (‘croyance’)”

The Chair (Mr. Shafiq Qaadri): Any comments? Ms. Martow.

Mrs. Gila Martow: A very quick comment, which is that of course we will be supporting this. I believe all three parties put forward similar amendments, but I did notice that later on in the bill, there are some areas where they mention all the criteria for determining where a child would be best placed or programming for a child, and it includes so many different things and it does say “creed” and it does say “culture,” but it doesn't say “religion.” I would want this to reflect that throughout the bill, any time we're discussing culture and creed, this section should be reflected in that as well, to include religion.

The Chair (Mr. Shafiq Qaadri): And creed is “croyance.” In any case, Mr. McDonell.

Mr. Jim McDonell: Yes, I’m somewhat surprised that the government is moving this in this bill, because we heard deputation after deputation ask for this and heard the explanation over and over again of why it wasn’t required. I’m just wondering about the explanation of why the change of heart. We certainly supported this all along.

Mrs. Gila Martow: But it’s good.

Mr. Jim McDonell: It’s good. I’m just surprised, after hearing so many times how it wasn’t required and getting read the definition over and over again.

The Chair (Mr. Shafiq Qaadri): Further comments to government motion 10? If not, we’ll proceed to the vote. Those in favour of government motion 10? Those opposed? Government motion 10 carries.

PC motion 11: Ms. Martow, Mr. McDonell?

Mr. Jim McDonell: I move—

Mrs. Gila Martow: I think we should withdraw.

The Chair (Mr. Shafiq Qaadri): That is your choice, your right.

Mr. Jim McDonell: We have to read it through anyway, first.

Mrs. Gila Martow: We have to read it before we withdraw it?

The Chair (Mr. Shafiq Qaadri): No, you just withdraw it, if you want.

Mrs. Gila Martow: Okay, go ahead and read it first. It’s not long.

Mr. Jim McDonell: I move that subsection 2(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following definition:

“‘creed’ includes religion;”

I guess we can.

The Chair (Mr. Shafiq Qaadri): It’s out of order. You’re withdrawing it. It’s dead.

Now to NDP motion 12.

Miss Monique Taylor: I move that the definition of “extended family” in subsection 2(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“‘extended family’ means,

“(a) persons to whom a child is related, including through a spousal relationship,

“(b) persons with whom the child wishes to sustain a bond and regards as significant, caring, supportive in their life, and important to their sense of identity, healthy growth and development, and

“(c) in the case of a First Nations, Inuk or Métis child, includes any member of,

“(i) a band of which the child is a member,

“(ii) a band with which the child identifies,

“(iii) a First Nations, Inuit or Métis community of which the child is a member, and

“(iv) a First Nations, Inuit or Métis community with which the child identifies; (‘famille élargie’)”

This is just a request of the provincial advocate, and strengthens the term “family.”

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 12? Ms. Kiwala.

Ms. Sophie Kiwala: We will be voting against the motion, because the amendment could unintentionally capture individuals whom the child claims as a person of significance but who may create risk for them or for other children—for example, individuals involved in human trafficking, gangs etc.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 12? None? We’ll proceed to the vote. Those in favour of NDP motion 12? Those opposed? NDP motion 12 falls.

Government motion 13: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 2(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following definition:

“‘physical restraint’ means a holding technique to restrict a person’s ability to move freely but, for greater certainty, does not include,

“(a) restricting movement, physical redirection or physical prompting, if the restriction, redirection or prompting is brief, gentle and part of a behaviour teaching program, or

“(b) the use of helmets, protective mitts or other equipment to prevent a person from physically injuring or further physically injuring themselves; (‘contention physique’)”

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 13? Seeing none, we’ll proceed to the vote. Those in favour of government motion 13? Those opposed? Government motion 13 carries.

Government motion 14: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsections 2(3) and (4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Member of child’s or young person’s community

“(3) For the purposes of this act, the following persons are members of a child’s or young person’s community:

“1. A person who has ethnic, cultural or creedal ties in common with the child or young person or with a parent, sibling or relative of the child or young person.

“2. A person who has a beneficial and meaningful relationship with the child or young person or with a parent, sibling or relative of the child or young person.

“Interpretation, child’s or young person’s bands and First Nations, Inuit or Métis communities

“(4) In this act, a reference to a child’s or young person’s bands and First Nations, Inuit or Métis communities includes all of the following:

“1. Any band of which the child or young person is a member.

“2. Any band with which the child or young person identifies.

“3. Any First Nations, Inuit or Métis community of which the child or young person is a member.

"4. Any First Nations, Inuit or Métis community with which the child or young person identifies."

The Chair (Mr. Shafiq Qaadri): Any comments on government motion 14? Ms. Martow.

Mrs. Gila Martow: I think we heard from a lot of people who came to the hearings that they wanted to change the terminology and include the terminology for young persons, and, as the government had explained, even for older than 18, but particularly for those 16- and 17-year-olds coming into care. They felt very specifically that they wanted that kind of terminology, and in the indigenous community, to have the terminology that they're comfortable with and to work with those communities.

0930

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 14? Seeing none, we'll proceed to the vote.

Those in favour of government motion 14? Those opposed? Government motion 14 carries.

Shall schedule 1, section 2, as amended, carry? Carried.

We've received another amendment to be dealt with later; I think it's 79.1. It will be handed out just before we proceed to the next motion, which will be PC motion 15. Thank you. That's for consideration considerably later on.

We'll now proceed to PC motion 15: Ms. Martow or Mr. McDonell.

Mr. Jim McDonell: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section:

"Child's right to be heard

"2.1(1) Unless this act expressly provides otherwise, and without limiting any rights of a child under this act, a service provider or other decision-maker shall in all decisions affecting a child under this act,

"(a) solicit, hear, consider and give due weight to the views and wishes of the child while respecting their evolving capacity in accordance with their age and maturity;

"(b) take appropriate measures in a manner consistent with the child's age and maturity,

"(i) to provide the child with the information required in order to understand the nature and the reasonably foreseeable consequences of the decision and with any other information the child may request, and

"(ii) to provide the child with access to the support or assistance that they may require in expressing their views and wishes and in exercising their right to do so; and

"(c) in the context of a proceeding, provide an opportunity to hear or otherwise receive evidence from the child directly or through a representative.

"Exceptions

"(2) Despite clause (1)(c), a service provider or other decision-maker may decide not to hear the views and wishes of a child in the context of a proceeding if,

"(a) there is demonstrably good cause not to hear the child's view and wishes; and

"(b) reasons are provided to the child to justify the decision."

The Chair (Mr. Shafiq Qaadri): PC motion 15 comments? Ms. Martow.

Mrs. Gila Martow: Again, this just reflects the preamble and what this amendment is trying to do is add in Katelynn's Principle, which speaks to a child's general right to be heard. That's supposed to be a big part of this bill.

Although part II confers certain rights on children, it falls short of what is afforded under Katelynn's Principle; for example, the rights apply only when a child is receiving services. They do not appear to apply when a decision is being made by a court or by an administrative body. There is no obligation on the service provider to provide the information and support necessary for a child to exercise their right to be heard meaningfully.

As I've said before, this was really supported by many who came and spoke to us in the hearings, and we believe this will help strengthen the bill so that the child is at the centre of decision-making.

The Chair (Mr. Shafiq Qaadri): Further comments to PC motion 15? Seeing none, we'll proceed to the vote. Those in favour of PC motion 15? Those opposed? PC motion 15 falls.

NDP motion 16: Ms. Taylor.

Miss Monique Taylor: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following sections after the heading "Rights of Children and Young Persons Receiving Services":

"Interpretation

"2.1 In this part, a reference to a child includes a reference to a person 18 or older who is receiving a service under this act, unless the person is the parent of or a member of the community of a child who is receiving a service under this act.

"Katelynn's Principle—right to be heard

"2.2(1) Before making a decision about a child under this act, including a decision with respect to the provision of a service to the child"—

The Chair (Mr. Shafiq Qaadri): Just to interrupt: With your indulgence, seeing as we're attempting to create two sections with this—meaning, as you see, there are 2.1 and 2.2—we'll stop at the end of 2.1 and vote on that, and then proceed to 2.2.

Miss Monique Taylor: Okay.

The Chair (Mr. Shafiq Qaadri): Just to be clear, we're voting on up to and including the end of that 2.1 paragraph. I hope that's clear to everyone.

Miss Monique Taylor: Okay.

The Chair (Mr. Shafiq Qaadri): First of all, comments are now open for that particular section, the first part of that, 2.1. Miss Taylor?

Miss Monique Taylor: Again, this is just putting into the actual act more strength to ensure that children have the right to be heard, seen and respected. We have seen many instances in this province where children have fallen through the cracks, some to the ultimate, causing

death. We need to ensure that they do have the protection under Katelynn's Principle that that would provide. This is just another attempt in making the bill stronger.

The Chair (Mr. Shafiq Qaadri): Are there further comments on that first part, 2.1, in NDP motion 16? Any further comments? Yes, Ms. Martow.

Mrs. Gila Martow: I just wanted to say that we'll be supporting this, and that, again, it really does focus on the whole Katelynn's Principle and the right to be heard and the rights of children and young persons receiving services.

The Chair (Mr. Shafiq Qaadri): Then we'll proceed to the vote on NDP motion 16, the 2.1 component. Those in favour of NDP motion 16, the 2.1 component? Those opposed? That particular section falls.

Miss Taylor, you have the floor for motion 16, 2.2, "Katelynn's Principle."

Miss Monique Taylor: "Katelynn's Principle—right to be heard

"2.2(1) Before making a decision about a child under this act, including a decision with respect to the provision of a service to the child, and in addition to any other right to be heard under this act, the person with responsibility for making the decision shall, in a manner that is consistent with the evolving capacity of the child as informed by their age and maturity,

"(a) provide the child with the information necessary for the child to understand the nature and reasonably foreseeable consequences of any potential decision affecting the child and any additional information requested by the child that is relevant to the decision;

"(b) provide the child with the support or assistance that they may require to express their views and wishes;

"(c) solicit the views and wishes of the child, including, in the context of a proceeding under this act, providing an opportunity for the child to be heard and to receive evidence from the child, either directly or through a representative; and

"(d) give due weight to the views and wishes of the child.

"Exception

"(2) The person with responsibility for making the decision is not required to comply with subsection (1), in whole or in part, if to do so would demonstrably not be in the best interests of the child.

"Reasons

"(3) If a person determines that they are not required to comply with subsection (1), in whole or in part, the person shall document the reasons for the determination in writing and provide those reasons to the child in a manner the child can understand."

This, once again, reinforces the principles of Katelynn's Principle. The government can call it what it likes, but we have heard time and time and time again that Katelynn's Principle needed to be embedded in this act.

The only portion of Katelynn's Principle that we see is in the preamble. That does nothing to ensure safety of our children. It does nothing to enforce the fact that children

need to be seen, heard, respected and be given the views in a manner that they can understand and that respects them.

We've seen just very recently posters that were put into our schools regarding the Motherisk portion. That is a prime example of a child not being taken into consideration.

This is the type of language that will enforce that behaviour, to ensure that things like that don't happen again.

0940

I hope that the government sees fit to pass this piece of legislation, knowing that it really is in the best interests of kids, that the provincial advocate has called for this, UNICEF has called for this, and OACAS has called for Katelynn's Principle. Every presenter who has come before us—the majority—has asked for Katelynn's Principle. This is just another try at ensuring kids in our province are kept safe and respected.

The Chair (Mr. Shafiq Qaadri): Further comments on section 2.2? Ms. Martow.

Mrs. Gila Martow: Just a couple of things. One is that, if we're going to be having an older demographic cohort joining the kids in care, they need to be respected as young adults. I think that they would mature in a better manner. All kids, if they feel, not necessarily empowered, but that they have a voice and they feel they're being heard, I think that their behaviour, their self-worth, their maturity—everything improves.

I don't think we're living in a society anymore where children are to be seen and not heard. I think that's reflected in most of the communities that we represent, and I think that we are trying to ensure that that follows for the kids in care as well. As some of the former kids who had been in care came and spoke to us said, "It's not enough that we're just kept alive. We're not reaching our full potential because we don't feel that we have voices." We on this side of the room are happy to support this amendment.

The Chair (Mr. Shafiq Qaadri): Children can be heard, but not their devices.

If there are any further comments on section 2.2? We'll proceed. Recorded vote. Once again, we're now voting on NDP motion 16, the second component of 2.2.

Ayes

Martow, McDonell, Taylor.

Nays

Colle, Kiwala, Potts, Rinaldi, Vernile.

The Chair (Mr. Shafiq Qaadri): That falls.

We now proceed to NDP motion 17.

Miss Monique Taylor: Another kick at the can here, Chair.

I move that paragraph 3 of section 3 of the Child, Youth and Family Services Act, 2016, as set out in

schedule 1 to the bill, be struck out and the following substituted:

“3. To be consulted on the nature of the services provided or to be provided to them and to participate in and be advised of decisions made in respect of those services.”

This really only adds “participate in.” We’re hoping that the government really means what they say when they put rosy words around things and puts some teeth into legislation that allows youth to be involved in the decision-making process. It’s a recommendation from the provincial advocate.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 17? There are none. We proceed to the vote. Those in favour of NDP motion 17? Those opposed? NDP motion 17 falls.

We proceed to government motion 18: Ms. Kiwala.

Ms. Sophie Kiwala: I move that paragraphs 3 and 4 of section 3 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“3. To be consulted on the nature of the services provided or to be provided to them, to participate in decisions about the services provided or to be provided to them and to be advised of the decisions made in respect of those services.

“4. To raise concerns or recommend changes with respect to the services provided or to be provided to them without interference or fear of coercion, discrimination or reprisal and to receive a response to their concerns or recommended changes.”

The Chair (Mr. Shafiq Qaadri): Government motion 18: comments? Ms. Martow?

Mrs. Gila Martow: Just that we support that children and young persons are being advised of the decisions made in respect to the services provided, that they would also participate in the decisions and they’ll also receive a response to their concerns. I think that this is a good thing, but there should be a lot more consultation, communication, having their voices heard and having actual documentation that their voices are being heard.

The Chair (Mr. Shafiq Qaadri): Further comments? Mr. McDonell.

Mr. Jim McDonell: Is there an explanation of why the government is coming forward with this? Or maybe the legislative counsel would—just what the intent of this is.

The Chair (Mr. Shafiq Qaadri): Mr. Potts?

Mr. Arthur Potts: I just want to say that we appreciate, actually, the motion that was before us previously. This embodies those principles exactly but in a more comprehensive way. We appreciate that direction, but we think this accomplishes it better.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 18? Seeing none, we’ll proceed to the vote. Those in favour of government motion 18? Those opposed? Government motion 18 carries.

NDP motion 19: Miss Taylor.

Miss Monique Taylor: I move that paragraph 4 of section 3 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding “and to receive a timely and reasonable response to those concerns or recommended changes” at the end.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 19?

Miss Monique Taylor: It really does go with the previous motion by the government, but it adds “timely” into it to give it more strength.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 19, if any? Seeing none, we will proceed to the vote. Those in favour of NDP motion 19? Those opposed? NDP motion 19 falls.

We’ll proceed to consider PC motion 21, as the following amendments need to pass before NDP motion 20 can exist.

Interjection.

The Chair (Mr. Shafiq Qaadri): All right. We’re now scheduled to go to NDP motion 20, but NDP motion 20 references section 3.1, which does not currently exist in schedule 1 of the bill. Therefore, we need to stand down consideration of section 3 of schedule 1 and deal with the amendments proposing the new section in order for it to be able to be housed somewhere. Does that make sense? Okay. Fine.

PC motion 21.

Mr. Jim McDonell: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section:

“Right to receive legal advice, etc.

“3.1(1) A child has the right to receive independent legal advice on any matter that is necessary in order for the child to exercise their rights under this act and to participate in decisions that affect them.

“Provincial Advocate for Children and Youth

“(2) In addition to the right to receive independent legal advice under subsection (1), a child has the right to be informed in language suitable to their understanding of the existence and role of the Provincial Advocate for Children and Youth and of how the Provincial Advocate for Children and Youth may be contacted.

“Other advocate

“(3) In addition to the rights listed in subsections (1) and (2), a child has the right in the prescribed circumstances to receive assistance and services, other than independent legal advice, from an advocate.

The Chair (Mr. Shafiq Qaadri): Ms. Martow?

Mrs. Gila Martow: We heard from children and youth that they want better access without any hardship to the provincial advocate and lawyers. This amendment would allow for appropriate access to legal counsel. It will ensure that a child shall have access to legal counsel or any provider of advocacy that is necessary and appropriate to allow the child to exercise those rights and participate in any decisions affecting the child or youth.

Again, we can’t just give children a voice and then they can’t do anything with that voice. We can’t expect children to always understand how the system works—

and when I say “children,” I mean youth as well. They need to have the resources made available to them, be aware and be able to access the provincial advocate, because the kids who came and spoke to us who had been in care—now they’re wonderful young adults. You can see in their eyes the old saying, “If I knew then what I know now, how differently I would have behaved” or “acted” or whatever. So I hope that this is going to have support from all sides of the room.

0950

The Chair (Mr. Shafiq Qaadri): Further comments on PC motion 21? Mr. McDonell?

Mr. Jim McDonell: I think that one of the guiding principles we have in our society is that people are protected and have the right to legal advice. In the case of child protection, we have study after study showing how we missed the mark. So why we would move ahead at this time and not provide access to legal advice for the youth especially that—really, the decisions that are being made will affect their life. At a young age, they have a long way to go, hopefully, so I would think that it’s natural to include this in part of their rights and the administration of the act.

The Chair (Mr. Shafiq Qaadri): Further comments on PC motion 21? If there are none, we’ll proceed to the vote.

Mrs. Gila Martow: Recorded vote, please.

The Chair (Mr. Shafiq Qaadri): A recorded vote.

Ayes

Martow, McDonell.

Nays

Colle, Kiwala, Potts, Rinaldi, Vernile.

The Chair (Mr. Shafiq Qaadri): PC motion 21 falls. NDP motion 22.

Miss Monique Taylor: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section:

“Right to claim, etc. rights without reprisals

“3.1 Every child or young person has a right to claim and to enforce their rights under this part, including by seeking the assistance of the Provincial Advocate for Children and Youth, and to institute and participate in, to the extent permitted under this act, proceedings under this act without reprisal or threat of reprisal from a service provider for doing so.”

This is a recommendation from the advocate. It’s to be able to contact the advocate, quite frankly, without fear of any reprisal.

The Chair (Mr. Shafiq Qaadri): Comments? Ms. Martow?

Mrs. Gila Martow: This is actually very similar, I think, to the amendment we had just put forward, just previous to this one.

Again, I think that sometimes people believe that there are more bad things happening to kids in society, specifically sexual abuse. What I would say is, probably not. Probably, if anything, there is less, but now kids speak up, so it’s not kept secret. Kids are told, “If you tell anybody, I will do” this and that. Maybe the kids are wise too young and exposed to too much too young, in some ways, in our world, with the Internet and social media, but in other ways, it has empowered them to protect themselves better. I think that’s the tough thing. We can’t always have the right adult watching the child.

To allow kids and youth to feel, without repercussions, that they can contact the provincial advocate or get legal advice—they should not be in fear of repercussions from any adult. They should never feel that they’re not able to talk to a teacher about something that’s going on in their life. They should not be afraid to talk to a foster parent about what’s going on in their life. I don’t know what we can do as legislators to get that message across, that we want kids in care, specifically, to understand every step of the way and be reminded that they don’t just have a voice; we want them to use that voice. We have to ensure that they’re able to use that voice.

The Chair (Mr. Shafiq Qaadri): Mr. McDonell?

Mr. Jim McDonell: I guess since I’ve been here, and at one time had a critic role for this position, we’ve seen the provincial advocate lobbying for just some basic—I mean, they have a position, but they seem to be constrained in so many areas for actually addressing the issues with our children.

We have a bill that pertains to looking after our youth, the possibility of putting them in care, and we aren’t guaranteeing the right to have the advocate actually work on their behalf. The more and more we look at it, we wonder why the position is there. They’re restricted in so many ways. I think this is a natural and we should allow for these guarantees that children can actually access their office.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 22? Seeing none, we’ll proceed to the vote. Those in favour of NDP motion 22? Those opposed? NDP motion 22 falls.

Miss Taylor, as you know, technically we’re on NDP motion 20, which is currently without benefit of shelter and therefore officially out of order, although you are welcome to read it if you so wish.

Miss Monique Taylor: This one?

The Chair (Mr. Shafiq Qaadri): NDP motion 20.

Miss Monique Taylor: I thought—so we’re going back to the one—

The Chair (Mr. Shafiq Qaadri): Yes. Technically it’s out of order, but you’re still able to read it should you wish, but not comment. It’s out of order, so as soon as you—

Miss Monique Taylor: But I thought we would come back to this after the next—

The Chair (Mr. Shafiq Qaadri): We are now back to it. It needed the enabling of either 21 or 22 to pass for it to exist.

Miss Monique Taylor: I'll read it in anyway, just because I think it's important. Thank you. Sorry, Chair.

I move that section 3 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsections:

"Information regarding provincial advocate

"(2) A service provider shall, on any premises the service provider uses to provide a service under this act to children or young persons, prominently display a poster that sets out the following information:

"1. The contact information and the role of the Provincial Advocate for Children and Youth and how the Provincial Advocate for Children and Youth may be contacted.

"2. The obligation of the service provider under subsection 18(2) of the Provincial Advocate for Children and Youth Act, 2007 to afford a child or young person with the means to contact the Provincial Advocate for Children and Youth privately and without delay.

"3. The fact that under section 3.1, a child or young person has a right to claim and to enforce their rights under this part, including by seeking the assistance of the Provincial Advocate for Children and Youth, without reprisal or threat of reprisal from a service provider for doing so.

"Same

"(3) On the request of the Provincial Advocate for Children and Youth, a service provider shall make available informational materials produced by the Office of the Provincial Advocate for Children and Youth."

The Chair (Mr. Shafiq Qaadri): As previously indicated, it's out of order given the previous reasons.

Shall schedule 1, section 3, as amended, carry? Carried.

We'll proceed to consider the next section. We have not received any amendments, surprisingly, for that section. Shall schedule 1, section 4 carry? Carried.

We'll now proceed to schedule 1, section 5, government motion 23: Ms. Kiwala.

Ms. Sophie Kiwala: I move that section 5 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Detention restricted

"5. No service provider or foster parent shall detain a child or young person or permit a child or young person to be detained in locked premises in the course of the provision of a service to the child or young person, except as part VI (Youth Justice) and part VII (Extraordinary Measures) authorize."

The Chair (Mr. Shafiq Qaadri): Are there comments on government motion 23? Ms. Martow.

Mrs. Gila Martow: I just want to point out—and I think we heard it at the hearings as well—that kids in care, youth in care and adults in care are not criminals who are being arrested. They're not being detained. They're not being apprehended. We see later on in other amendments that they were very insulted by the terminol-

ogy. They had been advocating for a long time to get that changed. Of course, we'll be supporting this.

The Chair (Mr. Shafiq Qaadri): Government motion 23: further comments? If not, we'll proceed to the vote. Those in favour of government motion 23? Those opposed? Government motion 23 carries.

Shall schedule 1, section 5, as amended, carry? Carried.

Government motion 24: Ms. Kiwala.

Ms. Sophie Kiwala: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section:

"Physical restraint restricted

"5.1 No service provider or foster parent shall use or permit the use of physical restraint on a child or young person for whom the service provider or foster parent is providing services, except as the regulations authorize."

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 24? Ms. Martow.

Mrs. Gila Martow: We got something from the Legislative Assembly about numbers—percentages—of foster homes—people willing to offer their homes as foster parents. It's on a huge decline for many reasons, not the least of which is that kids come into care, they're traumatized, they've been emotionally abused, physically abused, neglected, what have you. There's a certain amount of anger associated with that, and it's difficult. Oftentimes, the foster parents are far smaller than the youth that are in care.

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So yes, we want to protect the foster parents and we want to protect the workers who are working with some of the youth who often are in group homes because they're rejected from foster homes because of some kind of violence or acting out.

I think that this addresses the restrictions to physical restraints. What I would say is that we heard, again, from many of the youth who came and spoke to us that they want more prevention. Perhaps some of the prevention could be that there's a better effort to deal with and teach the youth and children in our care anger management skills and things like that. We seem to assume that they've had a reasonable upbringing up to that point, in a lot of respects, in terms of dealing with their emotions, when obviously they haven't. I think that much more could be done in society.

I know it may be an expensive proposition to do this, but I think maybe include it in the counselling. I'm sure it is, for the foster parents, in their training—the skills to deal with anger management. There are techniques, and I would like to see less de-escalation techniques, physical restraints and isolation techniques, and more focus on giving them the skills to deal with whatever issues they have.

The Chair (Mr. Shafiq Qaadri): Miss Taylor?

Miss Monique Taylor: Thanks, Chair. I would just like to put on the record that there are a lot of things that are going to happen in this bill and in this legislation through regulation, and I think it's unfortunate that we

won't know any of those regulations, that there will be no consultations, really, for regulations, and on what the regulations will say when it comes to physical restraints.

The Chair (Mr. Shafiq Qaadri): Further comments? If none, we'll proceed to the vote. Those in favour of government motion 24? Those opposed? Government motion 24 carries.

We now proceed to the next section, to which we've also not received any amendments. Shall schedule 1, section 6 carry? Carried.

We'll now proceed to the next section: schedule 1, section 7; NDP motion 25.

Miss Monique Taylor: I move that clause 7(1)(c) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"(c) the child or young person's placement in a residential placement, discharge from a residential placement or transfer to another residential placement."

This again is from the child advocate. They believe that without these changes, the child will have no say or right to their say within their placement, and not just transfer or discharge.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 25? Ms. Martow.

Mrs. Gila Martow: Again, we're supposed to be trying to focus on the children's and youth's right to be heard. We heard from a lot of people that it's not enough to involve them in one aspect, but in as many as possible, taking into account their age, their maturity, their abilities and things like that. We're happy to support, but I do have a note here that the government is moving forward with something similar in motion number 26, so I will look forward to that if they vote this down.

The Chair (Mr. Shafiq Qaadri): Any comments on NDP motion 25? Let's proceed to the vote. Those in favour of NDP motion 25? Those opposed to NDP motion 25? NDP motion 25 falls.

Government motion 26: Ms. Kiwala.

Ms. Sophie Kiwala: I move that clause 7(1)(c) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding "placement in or" after "young person's".

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Arthur Potts: Recorded vote.

The Chair (Mr. Shafiq Qaadri): Mr. McDonnell?

Mr. Jim McDonnell: Maybe we could get legislative counsel to explain the purpose and where we're going with this?

Ms. Catherine Oh: I'm sorry?

Mr. Jim McDonnell: Explain what this amendment does.

Ms. Catherine Oh: It just adds the words "placement in or" after "young person's".

Mr. Jim McDonnell: I know it adds the words, but what's the meaning? What's the requirement for it? What does it actually do in the bill? What's the purpose of it?

Ms. Catherine Oh: It's adding that the young person's placement in a residential placement should also be part of the consideration in subsection 7(1).

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 26? A recorded vote, as requested by Mr. Potts.

Ayes

Kiwala, Martow, McDonnell, Potts, Rinaldi, Vernile.

The Chair (Mr. Shafiq Qaadri): Government motion 26 carries.

Shall schedule 1, section 7, as amended, carry? Carried.

We'll now proceed to schedule 1, section 8, government motion 27: Ms. Kiwala.

Ms. Sophie Kiwala: I move that section 8 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out the portion before clause (a) and substituting the following:

"Right to be informed re residential placement admission

"8. Upon admission to a residential placement, and at regular intervals thereafter, or, where intervals are prescribed, at the prescribed intervals thereafter, a child in care has a right to be informed, in language suitable to their understanding, of,"

The Chair (Mr. Shafiq Qaadri): Ms. Martow, comments on government motion 27?

Mrs. Gila Martow: This does reflect a lot of what we heard in the hearings, but a lot of the presenters who gave deputations at the hearings said that they actually consulted with the government before the bill was written and they actually told them that these types of things had to be in the bill and they were disappointed when they saw the bill and it wasn't in the bill. Now the government has rectified that and put forward amendment after amendment. That's why I guess we're breaking some kind of record in the number of amendments. They are mostly government amendments, and most of those government amendments actually deal with stuff that youth, the provincial advocate and other organizations said they had spoken to the government about before the bill was written.

I just would want to put it on the record that I feel like this bill was written in committee in some ways. There's no point announcing that there were consultations done, I think on the weekend, with youth who had been in care. I can't say; I wasn't invited to those consultations. All I can repeat is what I heard at the hearings: that they were consulted, they were told the same things that they said in the hearing; they're seeing it now reflected in the bill in amendments, but they would have preferred—I think it would have saved everybody a lot of anxiety if it would have just been in the original bill.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 27? Seeing none, we'll proceed with the vote. Those in favour of government motion 27? Those opposed? Government motion 27 carries.

NDP motion 28: Miss Taylor.

Miss Monique Taylor: I move that section 8 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Right to be informed

“8. Upon admission to a residential place or at any time a service or program is being sought or received, a child in care has a right to be informed, in language suitable to their understanding, of,”

The reason, again, for this is that it removes “the extent that is practical given their level of understanding.” “Practical” really leaves too much room for variance. The other portion clearly has suitable language, so instead of leaving so much room for interpretation, it just makes it a little tighter. This is a recommendation of the advocate.

The Chair (Mr. Shafiq Qaadri): NDP motion 28, comments? Ms. Martow.

Mrs. Gila Martow: I would just say, again, we’re trying to communicate with children and young people. I think that we don’t want to hear excuses that they weren’t able to communicate because of a language barrier or other kinds of issues.

There are a lot of ways to communicate with children and youth that don’t even involve language sometimes, that can involve dolls. I’ve heard of grief counselling—a lot of it is done with props and things like that when children are involved. I think that we want to give social workers and foster parents and those who work in the group homes—all the child care workers—the resources and the ability and to remind them that it’s their responsibility to ensure that they’re able to communicate with that child or youth.

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The Chair (Mr. Shafiq Qaadri): Further comments? Mr. McDonell.

Mr. Jim McDonell: Yes, I guess I would think that the government supports this. I don’t know how you could have a placement that is dealing with children if they can’t understand you. I think there’s a minimum we would have. We are asking that the child would be informed in a language they understand—not the language they demand but the language they understand, which is critical. I would hope the government supports this.

The Chair (Mr. Shafiq Qaadri): Mr. McDonell, the entire committee is having a little trouble hearing you. If you could just—

Mr. Jim McDonell: I was just saying that I think it’s hard to believe that we’d be going through legislation where we would be dealing with children in a language they would not understand. I think that’s the minimum, when we’re dealing with them—that the children are at least allowed to be dealt with by people who can speak the same language.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 28? Mr. Potts.

Mr. Arthur Potts: Considering we just adopted the previous motion and this is almost identical, I think that,

in the interests of time, it would be better to withdraw motions like that so we don’t have to go through this process. Thank you very much.

The Chair (Mr. Shafiq Qaadri): Any further comments to NDP motion 28? Seeing none, we’ll proceed to the vote. Those in favour of NDP motion 28? Miss Taylor, I presume you’re in favour of your own motion? Yes. Those against NDP motion 28? NDP motion 28 falls.

Government motion 29: Ms. Kiwala.

Ms. Sophie Kiwala: I move that clause 8(b) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “the complaints procedure” and substituting “the complaints procedures”.

The Chair (Mr. Shafiq Qaadri): Further comments to government motion 29? Comments? We will proceed to the vote on government motion 29. Those in favour? Those opposed? Government motion 29 is carried.

Government motion 30: Ms. Kiwala.

Ms. Sophie Kiwala: Withdraw.

The Chair (Mr. Shafiq Qaadri): Government motion 30 is withdrawn.

NDP motion 31: Miss Taylor.

Miss Monique Taylor: I think I have to defer this part until after a further section.

The Chair (Mr. Shafiq Qaadri): I believe you are absolutely correct. In fact, it’s actually officially out of order.

Miss Monique Taylor: Chair?

The Chair (Mr. Shafiq Qaadri): Just a sec.

Interjection.

The Chair (Mr. Shafiq Qaadri): Motions 30 and 31 are identical. Actually, you are able to move it since 30, which was identical, has been killed. The floor is yours, Miss Taylor. You’re welcome to propose NDP motion 31.

Ms. Sophie Kiwala: Excuse me: point of order.

The Chair (Mr. Shafiq Qaadri): Yes, Ms. Kiwala.

Ms. Sophie Kiwala: The reason why we withdrew was because NDP motion 31 is identical. We are going to support that motion.

The Chair (Mr. Shafiq Qaadri): Very generous. Miss Taylor.

Miss Monique Taylor: So lovely, Chair. Thank you.

I move that clause 8(c) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “12 or older”.

The Chair (Mr. Shafiq Qaadri): Further comments? Ms. Martow.

Mrs. Gila Martow: In the interests of collaboration, I just want to add that a lot of these were things that were supposedly told to the government during the consultations but weren’t reflected in the actual bill—a lot of the amendments. If they would have been reflected in the original bill, we wouldn’t be discussing them. If the member opposite seems a little frustrated by some of the overlap and the different amendments, I would just remind him that when we put forward amendments, we

don't know the government is putting forward the exact same amendment. We still want to read it into the record because we have stakeholders as well that we want to communicate with. But if it had been in the original bill, we wouldn't be putting forward the amendment, the government wouldn't be putting forward the amendment and we wouldn't be discussing the amendments.

Mr. Mike Colle: That's why we have deputations.

Mrs. Gila Martow: Right. We had the deputations, but they were consulted before the deputations and they asked to have this expanded. There are going to be a lot of amendments dealing with exactly this, so I just wanted that on the record.

The Chair (Mr. Shafiq Qaadri): Mr. McDonell.

Mr. Jim McDonell: I know that there have been some catcalls across here about the amendments, but I understand that there were 170-some amendments before the bill even went to committee. There is a lot of confusion. We don't have the opportunity to see the amendments before they come to us—almost today. Yes, if there are amendments that are duplicated—it's too bad that a bill of this size and this importance is amended by almost 200 amendments by the government before we went to committee.

I know that they've heard some of the comments and actually issued some new amendments, because I see there are more than the 173 that we started with, but that just adds to a lot of confusion. It adds to a lot of people coming to committee, trying to get changes, because they're not aware of what those amendments would be. To them, it looks like a bill that just was inadequate, which obviously it was because the government even agrees with that with the number of amendments—

Mr. Mike Colle: That's why we have deputations.

Mr. Jim McDonell: Well, those amendments were in even before the deputations. I think what we're saying here is that there is a process here and we're working through it—

The Chair (Mr. Shafiq Qaadri): Colleagues, we'll have the entire next few hours to savour NDP motion 31, as we are now officially in recess until 2 p.m. today.

The committee recessed from 1015 to 1410.

The Vice-Chair (Mr. Lorenzo Berardinetti): Good afternoon, everybody, members of the committee and members of the audience who are here this afternoon. I'm just calling to order the meeting of justice policy.

Does everyone have a copy in front of them of motion 46.1? It was distributed a few minutes ago to everybody.

Mr. Arthur Potts: Point of order, Chair.

The Vice-Chair (Mr. Lorenzo Berardinetti): Point of order, Mr. Potts.

Mr. Arthur Potts: Curiously enough, we've just come from French caucus. I actually take this motion very seriously and it has just now been put in front of us. I would ask if we could take a 10-minute recess so I can confer with our staff about this, if I can beg your indulgence.

The Vice-Chair (Mr. Lorenzo Berardinetti): A short little break?

Mr. Arthur Potts: A 10-minute break, yes.

The Vice-Chair (Mr. Lorenzo Berardinetti): Okay, a 10-minute break. We're recessed for 10 minutes.

The committee recessed from 1411 to 1422.

Le Président (M. Shafiq Qaadri): Chers amis, j'appelle à l'ordre cette séance du Comité permanent de la justice.

Welcome, colleagues. We're back from our day recess.

Miss Taylor, you have the floor, having presented in the morning motion 31. I think just for orientation, I'll invite you to, if you might, read it again so that we can be on the same page literally and figuratively.

Miss Monique Taylor: I move that clause 8(c) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "12 or older".

This is something that we heard from the advocate several times, as well as other presenters here to the committee. It does relate to other motions moving forward, but it also ensures that children under the age of 12 are seen, heard and respected as we hope that they would be, but it needs to be reflected in the legislation.

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 31? Ms. Martow.

Mrs. Gila Martow: There are quite a few sections where the member from the NDP had put forward similar amendments asking for the exception of children under the age of 12 to be removed so that they could be consulted. I think that the bill should consult and hear the voices of children under 12, but—you know, I always hate it when people say "as the mother of," but as the mother of four kids, kids are very different from adults. They say that dogs have no sense of time; well, kids are even worse, and if you say to a child "in a week" or "in a month" or whatever, they don't have the same patience. They don't have the same understanding. It could be actually traumatic to tell them that something is going to be happening in two weeks, because it builds up their anxiety.

So I'm understanding and supportive of the principle. I just think that to broadly—something that we're really going to have to work on with this bill once it comes into effect is the decision-making of how involved kids can be in the review process and what information is shared with them.

The Chair (Mr. Shafiq Qaadri): Are there further comments on NDP motion 31? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 31? Those opposed? NDP motion 31 falls.

Interjections.

The Chair (Mr. Shafiq Qaadri): Carries, yes. No explanation offered.

Shall schedule 1, section 8, as amended, carry? Carried.

Thank you, Miss Taylor. I think we should all savour that moment.

Miss Monique Taylor: I think so.

The Chair (Mr. Shafiq Qaadri): We'll now move to schedule 1, section 9, clause 9. Government motion 32: Ms. Kiwala.

Ms. Sophie Kiwala: I move that clause 9(1)(a) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"(a) to speak in private with, visit and receive visits from members of their family or extended family regularly, subject to subsection (2);"

The Chair (Mr. Shafiq Qaadri): Further comments to government motion 32? Miss Taylor.

Miss Monique Taylor: I will be coming forward with the next motion that does push it a little bit further and enhances the ability for a youth to be able to communicate, so I hope that we can consider that next motion.

The Chair (Mr. Shafiq Qaadri): Further comments? Ms. Martow?

Mrs. Gila Martow: I'll just remind everybody that legislation was passed earlier this year to recognize grandparents' rights in terms of divorce, and that the judge should at least recognize and ask if there are grandparents involved in the child's life. We heard from indigenous communities as well as others that extended family are really part of the immediate family. I support, and I think we support, anything that strengthens family involvement in a child's life.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 32? We now proceed to the vote. Those in favour of government motion 32? Those opposed? Government motion 32 carries.

NDP motion 33: Miss Taylor.

Miss Monique Taylor: I move that subsections 9(1) and (2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Rights of communication, etc.

"9(1) A child in care has a right,

"(a) to speak in private with, including over the phone or through any other telecommunication device, visit and receive visits from members of their extended family regularly, subject to subsection (2);

"(a.1) to speak with any other person, including over the phone or through any other telecommunication device, subject to any restrictions imposed by the service provider that are necessary and reasonable in the circumstances;

"(b) to speak in private with and receive visits, without delay, from,

"(i) their lawyer,

"(ii) another person representing the child or young person, including the Provincial Advocate for Children and Youth and members of the Provincial Advocate for Children and Youth's staff,

"(iii) the Ombudsman appointed under the Ombudsman Act and members of the Ombudsman's staff, and

"(iv) a member of the Legislative Assembly of Ontario or of the Parliament of Canada; and

"(c) to send and receive written communications in private that are not read, examined or censored by another person, subject to subsections (3) and (4).

"When child is in extended society care

"(2) A child in care who is in extended society care under an order made under paragraph 3 of subsection 98(1) or clause 113(1)(c) is not entitled as of right to speak with, including over the phone or through any other telecommunication device, visit or receive visits from a member of their extended family, except under an order for access made under part V (Child Protection) or an openness order or openness agreement made under part VIII (Adoption and Adoption Licensing)."

Chair, this is a recommendation that was brought forward by the provincial advocate. It strengthens the ability of a child to have proper communication, looking at all scenarios; ensures that that child has a right to speak with their families, to see their families through many different devices and options; and ensures that they have the right to a lawyer, the provincial advocate and the Ombudsman. As you've heard, Chair, there is a lot of extent to this, which goes further than the previous government bill. We hope that the government will consider it.

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 33?

Interruption.

The Chair (Mr. Shafiq Qaadri): I don't generally bring my three-and-a-half-year-old to justice policy, but I welcome Salman. There is a reception with 200 people currently going on upstairs, so he has to say hello to Daddy before he leaves. Hello.

1430

Are there any further comments on NDP motion 33? Any further comments? If not, we shall proceed to the vote. Is this correct? Okay. Those in favour of NDP motion 33? All opposed? NDP motion 33 falls.

Government motion 34: Ms. Kiwala.

Ms. Sophie Kiwala: I move that clause 9(1)(b) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out the portion before subclause (i) and substituting the following:

"(b) without unreasonable delay, to speak in private with and receive visits from,"

The Chair (Mr. Shafiq Qaadri): Any further comments to government motion 34? If none, we'll proceed to the vote. Those in favour of government motion 34? Those opposed? Government motion 34 carries.

Government motion 35.

Ms. Sophie Kiwala: I move that subsection 9(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding "or extended family" after "family".

The Chair (Mr. Shafiq Qaadri): Comments? We'll proceed to the vote. Those in favour of government motion 35? Those opposed? Government motion 35 carries.

NDP motion 36.

Miss Monique Taylor: I move that clause 9(3)(c) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“(c) shall not be examined or read by the service provider or a member of the service provider’s staff if it is to or from the child’s or young person’s lawyer, or a person described in subclause (1)(b)(ii), (iii) or (iv).”

This gives the same rights to a child in care as currently what a child who would be in corrections or in detention/custody has. I think it’s important that they have those same rights of confidentiality and knowing that they can speak freely and be responded to freely with respect to confidentiality.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 36? Going once? Fine. We’ll proceed to the vote. Those in favour of NDP motion 36? All opposed to NDP motion 36? NDP motion 36 falls.

Government motion 37: Ms. Kiwala.

Ms. Sophie Kiwala: I move that clause 9(3)(c) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “the child’s or young person’s lawyer” and substituting “a person described in subclause (1)(b)(i), (ii), (iii) or (iv)”.

The Chair (Mr. Shafiq Qaadri): Comments on government motion 37? Ms. Martow.

Mrs. Gila Martow: Just a quick comment: This is very similar to NDP motion 36, so I’m sure it’s going to pass.

The Chair (Mr. Shafiq Qaadri): Further comments? If not, we’ll proceed to the vote. Those in favour of government motion 37? Those opposed? Government motion 37 carries.

Shall schedule 1, section 9, as amended, carry? Carried.

We’ll now proceed to consider the next section: schedule 1, section 10.

NDP motion 38: Miss Taylor.

Miss Monique Taylor: I move that section 10 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Review of conditions and limitations on visitors

“(4) A service provider shall review the conditions and limitations imposed under subsection (1) as required by the regulations.”

This is a request from the provincial advocate. It’s really a review process for visitor restrictions.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 38? Seeing none, we’ll proceed to the vote. Those in favour of NDP motion 38? Those opposed? NDP motion 38 falls.

Shall schedule 1, section 10 carry? Carried.

We’ll now proceed to the next section: NDP motion 39.

Miss Monique Taylor: I move that clause 11(b) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “their creed” and substituting “their religion, creed”.

This is something that we have already moved forward with in a government motion previously, so I think it’s just keeping consistency throughout the legislation.

The Chair (Mr. Shafiq Qaadri): NDP motion 39 comments? Mr. McDonell.

Mr. Jim McDonell: Yes, I think that this is something we heard over and over again through deputations—how it certainly was a concern to a large segment of the population. Since we already have seen that the government has adopted this in the first part, I think the consistency is important. These are large bills, and it just keeps it going throughout.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 39? If not, we’ll proceed to the vote. Those in favour of NDP motion 39? Those opposed? NDP motion 39 falls.

Shall schedule 1, section 11 carry? Carried.

We move to the next section. NDP motion 40: Miss Taylor.

Miss Monique Taylor: I move that clause 12(2)(b) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “to receive meals that are well balanced” and substituting “to have access to foods, including meals, that are well balanced”.

This is something that we heard very clearly from the youth, taking this right back to the Youth Leaving Care Hearings, where we hear of fridges being locked, of snacks not being available, and of, when a young person is hungry and in care, their having to scrounge for food. I don’t think we would want that in any of our homes, so I don’t think it’s acceptable for our youth in care to be facing those circumstances. I hope that this motion passes.

The Chair (Mr. Shafiq Qaadri): Ms. Martow?

Mrs. Gila Martow: I think this is very similar to an upcoming amendment—the next one, in fact. We did hear very strongly from the child advocate. I think he was quoted in the Toronto Star.

I like that the member put in “foods,” not just “meals” at any time, because we also heard from former child care workers who worked in group homes that one of the ways that they can gain structure and discipline is through strict mealtimes. Obviously, children in care, as they said, shouldn’t be there just to be kept alive. Children deserve to have a snack every now and then—a fruit, or crackers and cheese. We’ll be supporting this.

The Chair (Mr. Shafiq Qaadri): Miss Taylor?

Miss Monique Taylor: Sorry, Chair, I’m not trying to drag this out, but I just want to be clear that the motion that the government will bring forward will have two parts, but ours still goes stronger in ensuring that kids have what they need, because the next motion after that deals with part of the government motion. I hope that we can move these through.

The Chair (Mr. Shafiq Qaadri): You’re welcome to comment. It’s your motion; you have the floor until we move to a vote.

Ms. Kiwala.

Ms. Sophie Kiwala: We certainly thank you for bringing forward the motion, and we agree with the intent of the motion. But as has already been noted by MPP McDonnell, there's a government motion being proposed next which adds in the right of a child in care to have access to food that is of good quality and appropriate for the child or young person.

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 40? If none, we'll proceed to the vote. Those in favour of NDP motion 40? Those opposed? NDP motion 40 falls.

Government motion 41.

Ms. Sophie Kiwala: I move that clauses 12(2)(b) and (f) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"(b) to have access to food that is of good quality and appropriate for the child or young person, including meals that are well balanced;

"(f) to participate in recreational, athletic and creative activities that are appropriate for their aptitudes and interests, in a community setting whenever possible."

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 41? Miss Taylor.

Miss Monique Taylor: As I had said under the previous motion, the next motion that I will be bringing forward includes section (f), but it also goes much further. I'm hoping that the government will consider that when making their decisions in ensuring that children have the best possible options available to them.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 41? We'll proceed to the vote. Those in favour of government motion 41? Any opposed? Government motion 41 carried.

NDP motion 42.

1440

Miss Monique Taylor: I move that clauses 12(2)(e) and (f) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"(e) to receive an education that corresponds to their aptitudes, abilities and aspirations, as understood by the child, in, whenever possible, a community setting;

"(f) to participate in recreational, athletic and creative activities that are appropriate for their aptitudes and interests, in a community setting whenever possible;

"(g) to have the opportunity to form permanent and lifelong relationships that meet their personal and cultural needs;

"(h) to grow up with many opportunities to develop relationships with siblings and extended family and to grow up with many opportunities to develop permanent supportive relationships with caregivers, staff and community members;

"(i) to be supported to participate fully and successfully in community-based elementary and secondary school;

"(j) to develop life skills that nurture their identity, cultural pride, spiritual development, language, self-

esteem, resiliency, leadership and ability to engage in self-advocacy;

"(k) to receive comprehensive support for physical, psychological, spiritual, social, emotional, cognitive and cultural well-being and overall health;

"(l) to participate in extracurricular activities that include access to robust, high-quality cultural and traditional activities and knowledge, in accordance with the child's interests;

"(m) to be protected from any form of discrimination;

"(n) to have the child's identity preserved, including the child's name, language and culture;

"(o) to receive assistance in obtaining a photo card in accordance with the Photo Card Act, 2008, or another form of identification that sets out the name of the child, and to retain the identification upon leaving care;

"(p) to receive assistance in ascertaining their immigration status under the Immigration and Refugee Protection Act (Canada);

"(q) to be informed, without delay and at regular intervals thereafter, of the existence of the Provincial Advocate for Children and Youth and that the Provincial Advocate for Children and Youth may be contacted in private; and

"(r) to be informed about the review procedures available under sections 63, 64 and 65."

Chair, these are things that have been brought to us by youth for many years, since the Youth Leaving Care Hearings. These are reasonable requests from youth. The government has claimed that they want to listen to youth; they claim that the basis of this bill is on the form of listening and having the youth at the centre of the decision. I think their voice should be included and their requests should be included in legislation to ensure that they do have the best possibility to activities, that they do have the best possibility to education, that they have a say, that they have the protection of the child advocate, that they have spiritual, social—these are the kinds of things that we can say are there in spirit, but we have seen how our system has run for many years, and the spirit is just not there. That's why we have this bill in front of us today: to change the culture. If we don't insist on these things being put into legislation, then we are failing our kids once again. We have asked them to participate. Have we only asked them to participate just for show, for a photo op, or have we asked them to participate so that they can have a say in the legislation moving forward?

These are words from them. These are their requests. These are their asks. I'm pleading with the government to really recognize the voice of the child, the spirit in which this legislation was written, and to ensure that this motion passes.

The Chair (Mr. Shafiq Qaadri): Any further comments? First Ms. Martow and then Ms. Kiwala.

Mrs. Gila Martow: I just want to say that I agree with a lot of what the member just said. The youth were supposedly consulted. They said that they were con-

sulted. They had hearings, they had the Youth Leaving Care discussions and they clearly outlined these points.

As everybody here on the committee knows, I requested that the minister come before the committee several times. He should have been invited. These were exactly the types of things that I wanted to ask him: Can we put these things in the bill? What is the problem with putting these things in the bill? They're all here together. I'm worried that the government can't support it because there might be one or two things that are contradictory or impossible to implement or monitor. So I find it a little bit disappointing that we weren't able to ask the minister about exactly these kinds of things. This isn't a legal terminology amendment to the bill. This really goes, as my colleague just said, to the spirit of what we're trying to accomplish.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala?

Ms. Sophie Kiwala: We will not be supporting the motion because some of the recommended provisions do not fall under the purview of the act. It is beyond the scope of the CYFSA, out of the act's purview.

The Chair (Mr. Shafiq Qaadri): Ms. Martow?

Mrs. Gila Martow: As I had just said, I believe that my concern was that there were a few things in here that were going to be problematic, and I would have liked to have known—and I'm sure the member from the NDP would have liked to have known—exactly which ones were problematic, so maybe they could have been removed.

She put in all the asks, and I'm happy to support all the asks, but again, this is exactly why we desired to have the minister come. The Liberal members of the committee blocked us inviting the minister to come to the committee, and this is what happens.

As the member opposite just said, there were a few things in here that were problematic. We still don't know what they were; she's not telling us what they were. We have no way of knowing if this could have passed, in almost its entirety, if those few problematic areas were removed.

The Chair (Mr. Shafiq Qaadri): Miss Taylor?

Miss Monique Taylor: Chair, I would request clarification. If this isn't under the purview of the act, then why was it not ruled out of order?

The Chair (Mr. Shafiq Qaadri): It's a formal question to the legislative counsel?

Miss Monique Taylor: It's a question for MPP Kiwala.

Ms. Sophie Kiwala: I don't have any further comment on it.

The Chair (Mr. Shafiq Qaadri): Are there any further—

Miss Monique Taylor: I'm going to go back to this again. The whole reason for doing this was to rebuild this CFS.

Ms. Sophie Kiwala: Excuse me, Chair. A point of order.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala.

Ms. Sophie Kiwala: We can ask legal counsel.

The Chair (Mr. Shafiq Qaadri): That's fine.

Miss Taylor, you're welcome to finish your comments, and if legal counsel would like to come forward, or someone from the ministry?

Miss Monique Taylor: No, I'm happy to hear.

Interjections.

Miss Monique Taylor: Can I go on then, Chair, while we're waiting? There has been extensive, so I am told, dialogue with young people, with stakeholders, with many people, to create this bill. This bill was supposed to be something different, something moving us into the future, so I don't understand the government's response.

I'm going to be very interested to hear why we were not called out of order on this motion. Once again, I just think it's unfortunate that the children's and youth's voice who brought this forward is being stifled, is being rejected. It goes completely against the supposed intent of rewriting the system in the first place.

The Chair (Mr. Shafiq Qaadri): From the committee's perspective, it is in order. I'll turn it to the ministry folks. Please introduce yourselves. The floor is yours.

Ms. Marian Mlakar: My name is Marian Mlakar. I'm the director of the children and youth at risk branch at the Ministry of Children and Youth Services.

From our perspective, this is a very important piece of what we are working on. We have, in co-operation with PACY, developed a youth panel. We're working with them very hard to hear from them what quality of care means to them. The quality-of-care work that we're undertaking will inform the blueprint for residential services that we plan to—

Miss Monique Taylor: Chair?

The Chair (Mr. Shafiq Qaadri): Yes, Miss Taylor.

Miss Monique Taylor: I'm sorry, but this isn't a legal interpretation that I'm hearing. That's what I want to hear. I want to hear a legal interpretation of why this is not in—

The Chair (Mr. Shafiq Qaadri): We certainly are happy to entertain your request, but they are now doing their best to reply, so I think you might just let them complete it.

Miss Monique Taylor: Just so they know what I'm looking for.

The Chair (Mr. Shafiq Qaadri): You're welcome to comment after they finish their comment.

Miss Monique Taylor: Okay. Thank you.

1450

The Chair (Mr. Shafiq Qaadri): Please continue.

Ms. Marian Mlakar: The ministry plans to issue a blueprint for residential services that will, in fact, speak to a multi-year reform exercise that we will be undertaking. Inherent in that, once the youth have helped us to define specifically what quality of care looks like, we will put that into regulatory work. That will be our goal and objective, from a legal perspective, to put that specificity into regulation.

The Chair (Mr. Shafiq Qaadri): Ms. Martow?

Mrs. Gila Martow: Couldn't that have been put into the bill, that this is going to be worked on, and work within the scope of this bill?

Ms. Melissa Phillips: Melissa Phillips, counsel, legal services branch. I would just note that I think there are provisions in the bill that do allow for that, such as the provisions that speak to the development of policy directives, and a broad reg-making authority that exists towards the end of the bill.

The Chair (Mr. Shafiq Qaadri): Miss Taylor?

Miss Monique Taylor: Thank you very much for your explanation. But this takes me back to the same fact that this bill and these changes to the system in the Child, Youth and Family Services Act are going to be built on regulation, which is not debatable, which we will not have the opportunity to have a say on, which people will not have the opportunity to voice their concerns on. I think it's unfortunate that this is where we're finding ourselves when we're supposed to be rebuilding a system that works for the families of this province.

The Chair (Mr. Shafiq Qaadri): I think we are now ready to proceed to the vote on NDP motion 42. All in favour of NDP motion 42? All opposed? NDP motion 42 falls.

Shall schedule 1, section 12, as amended, carry? Carried.

Shall schedule 1, section 13 carry? Carried.

We proceed now to NDP motion 43 in section 14: Miss Taylor.

Miss Monique Taylor: I move that subsection 14(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding "and in the Human Rights Code" at the end.

This is a request from the provincial advocate, and it falls under the child's and young person's rights to respectful services. We know that they should be in line with the Human Rights Code.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 43? Ms. Martow?

Mrs. Gila Martow: It's interesting that the bill specifically addresses discrimination, culture, religion and creed. I'm not sure if children understand necessarily what the Human Rights Code is, but in the spirit, it should be included somewhere in the bill.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow.

Interjection.

The Chair (Mr. Shafiq Qaadri): Sorry?

Miss Monique Taylor: I had said "recorded vote" and then we forgot.

The Chair (Mr. Shafiq Qaadri): On the previous one?

Miss Monique Taylor: Yes.

The Chair (Mr. Shafiq Qaadri): All right, understood.

NDP motion 43: any further comments? We'll then proceed to the vote on NDP motion 43. All those in favour of NDP motion 43? All those opposed? NDP motion 43 falls.

NDP motion 44.

Miss Monique Taylor: I move that subsection 14(2) of the Child, Youth and Family Services Act, 2016, as set

out in schedule 1 to the bill, be struck out and the following substituted:

"Children, young persons to be heard and represented

"(2) Except in exceptional circumstances, service providers shall ensure that children and young persons and their parents have an opportunity to be heard and represented when decisions affecting their interests are made and to be heard when they have concerns about the services they are receiving."

What this does, Chair, is it changes the wording from the current wording to ensure that the child becomes the default. Instead of being against the child and to the provider, the child's voice is first and foremost.

The Chair (Mr. Shafiq Qaadri): Ms. Martow?

Mrs. Gila Martow: I would just add to that that, basically, by changing "when appropriate" to "exceptional circumstances," the default is that the child will be notified unless there are exceptional circumstances, not "the child will be only notified when appropriate."

I think that the government has Bill 45 that addresses this in slightly stronger language, but I'll still be supporting this.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 44? Ms. Kiwala.

Ms. Sophie Kiwala: Thank you for tabling the motion. We will be voting against the motion because the term "exceptional circumstances" is undefined and is open to interpretation.

The Chair (Mr. Shafiq Qaadri): Further comments? *Interjection.*

The Chair (Mr. Shafiq Qaadri): All right. We'll proceed to the vote, then, on NDP motion 44. All those in favour of NDP motion 44? All those opposed? NDP motion 44 falls.

Now to government motion 45.

Ms. Sophie Kiwala: I move that subsections 14(2) and (3) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Children, young persons to be heard and represented

"(2) Service providers shall ensure that children and young persons and their parents have an opportunity to be heard and represented when decisions affecting their interests are made and to be heard when they have concerns about the services they are receiving.

"Exception

"(3) Subsection (2) does not apply to a child or young person or parent of a child or young person if there is good cause for not giving that person an opportunity to be heard or represented as described in that subsection.

"Criteria and safeguards re decisions

"(4) Service providers shall ensure that decisions affecting the interests and rights of children and young persons and their parents are made according to clear, consistent criteria and are subject to appropriate procedural safeguards.

"Information about Provincial Advocate for Children and Youth to be displayed and available

"(5) Service providers shall,

“(a) prominently display at their premises, in a manner visible to persons receiving services, a notice advising of the existence and role of the Provincial Advocate for Children and Youth and of how the Provincial Advocate for Children and Youth may be contacted; and

“(b) make available on request informational materials produced by the Provincial Advocate for Children and Youth.”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 45, if any? Seeing none, we'll proceed to the vote. Those in favour of government motion 45? Those opposed? Government motion 45 carries.

NDP motion 46.

Miss Monique Taylor: I'll withdraw. This was covered in the previous motion.

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor.

Shall schedule 1, section 14, as amended, carry? Carried.

We'll consider the next two sections together. Shall schedule 1, sections both 15 and 16, carry?

We'll proceed to schedule 1, section 17, and government motion 47: Ms. Kiwala.

Mrs. Gila Martow: Aren't we supposed to do 46.1?

The Chair (Mr. Shafiq Qaadri): Ah, correct. There is an insert, which is NDP motion 46.1. Thank you, Ms. Martow. To be fair, that was a late addendum. It is loose-leaf, labelled “46.1.” Everyone has it? It had been distributed earlier.

Miss Taylor, you have the floor on NDP motion 46.1.

Miss Monique Taylor: I move that section 15 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“French-language services

“15. Service providers located in a region designated by the schedule of the French Language Services Act shall make services available to children and young persons and their families in the French language in accordance with that act.”

This is a request of the French language commissioner. I think it's incumbent on us. I don't think it should be a question of whether we're providing the French language in accordance to the act to ensure that everybody has the opportunity to read and to be given information in one of our official languages.

The Chair (Mr. Shafiq Qaadri): Again, we're still considering NDP motion 46.1, which is part of section 15. Any further comments, questions? Ms. Kiwala.

Ms. Sophie Kiwala: Bill 89 will require all services to be provided in a manner that, among others, takes into account a child's or young person's cultural and linguistic needs. It will also continue to require that service providers, where appropriate, make services available to children and youth in the French language.

The Chair (Mr. Shafiq Qaadri): Ms. Martow and then Miss Taylor.

M^{me} Gila Martow: Comme la porte-parole pour les affaires francophones pour le caucus PC, je dirais que

c'est très important qu'on peut donner des renseignements, qu'on peut parler aux enfants qui sont francophones pour être certain qu'ils comprennent ce qui se passe avec leur vie.

It's very important that the kids are not just spoken to in French, but that they are given any literature, any information, if it's supposed to be posted, about a provincial advocate's office. If the child's first language is French and if they only go to French school, it could be that their reading and writing in English is quite poor. It might actually be more important that those posters and things like that are in French than even speaking to them in French. I would suggest that this is a very important consideration.

1500

I think the French language commissioner also mentioned that it's a struggle sometimes because only one of the foster parents speaks French, and sometimes the one who speaks French is the one who's not around very often, and it can be very difficult for a child. It's traumatic enough for a child without it being made more traumatic that they're not able to communicate or feel comfortable that they are communicating properly.

The Chair (Mr. Shafiq Qaadri): Mr. McDonell and then Miss Taylor.

Miss Monique Taylor: I was first.

The Chair (Mr. Shafiq Qaadri): Fine. Miss Taylor.

Miss Monique Taylor: Thanks, Chair. I just really want to reiterate again that the commissioner would not have brought this forward and thought it was necessary if he didn't feel that it wasn't happening already. This is to reassure and to ensure that people have access to French-language services.

I will be calling for a recorded vote.

The Chair (Mr. Shafiq Qaadri): Further comments? Mr. McDonell and then Ms. Kiwala.

Mr. Jim McDonell: I think it's important to have this amendment in there. My riding is a designated riding. I look around, and there are many people who would require this service. It is now considered a basic service, and it should be included in here.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala.

Ms. Sophie Kiwala: We will absolutely continue to work with the French Language Services Commissioner to look for opportunities to further enhance French-language services, based on discussions with service providers and families.

The Chair (Mr. Shafiq Qaadri): Comments? Ms. Martow.

Mrs. Gila Martow: I just want to add that just because a service must be provided because it's in one piece of government legislation—that means that it can be enforced if somebody is aware of it. But considering that most people who are going to be working in the child welfare system are going to be very focused on the rules and regulations pertaining to this act, they may not have a focus or top priority to be concerned about other parts of other acts that may affect their job. I think to repeat and

remind is never a bad thing. We should find a way to fit this into the bill.

The Chair (Mr. Shafiq Qaadri): Further comments on 46.1? We'll proceed to the vote on NDP motion 46.1. Recorded vote.

Ayes

Martow, McDonell, Taylor.

Nays

Berardinetti, Colle, Kiwala, Potts.

The Chair (Mr. Shafiq Qaadri): NDP motion 46.1 falls. Therefore, we'll proceed as previous.

Shall section 15 and section 16 carry? Carried.

We now move to section 17, government motion 47. Ms. Kiwala.

Ms. Sophie Kiwala: I move that section 17 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Complaints procedure

"17(1) A service provider who provides residential care to children or young persons or who places children or young persons in residential placements shall establish a written procedure, in accordance with the regulations, for hearing and dealing with,

"(a) complaints regarding alleged violations of the rights under this part of children in care; and

"(b) complaints by children in care or other persons affected by conditions or limitations imposed on visitors under subsection 10(1) or suspensions of visits under subsection 10(2).

"Provincial Advocate for Children and Youth

"(2) The procedures established under subsection (1) must provide that the service provider shall tell the children in care that they may ask for the assistance of the Provincial Advocate for Children and Youth in,

"(a) making a complaint under clause (1)(a) or (b); and

"(b) requesting a further review under subsection 18(1) of the complaint once the review by the service provider is completed.

"Review of complaint

"(3) A service provider shall conduct a review or ensure that a review is conducted, in accordance with the procedure established under clause (1)(a) or (b), on the complaint of,

"(a) a child or a group of children in care;

"(b) the parent of a child in care who makes a complaint;

"(c) another person representing the child in care who makes a complaint; or

"(d) a person affected by a condition or limitation imposed on visitors under subsection 10(1) or a suspension of visits under subsection 10(2),

"and shall seek to resolve the complaint.

"Response to complainants

"(4) Upon completion of its review under subsection (3), the service provider shall inform each person who made the complaint, whether as an individual or as part of a group, of the results of the review."

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala, would you mind please reading 3(a) again?

Ms. Sophie Kiwala: "(a) a child in care or a group of children in care;"

The Chair (Mr. Shafiq Qaadri): Thank you. Comments on government motion 47? Ms. Martow.

Mrs. Gila Martow: I think that this is important because it's not just about consulting with kids and youth in care; it's about allowing them to feel that they have some power over what's going on and to understand their rights, and that includes a complaint process, of course.

All I would say is that this is fairly basic. It's a little bit surprising that a lot of these amendments that we're going through weren't in the original bill. We are all aware that there were dozens of people working on this legislation, lots of consultation—the youth panel and the Youth Leaving Care Hearings. We're getting it done. Of course the complaints process for the children and youth in care is very important.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 47? Seeing none, we'll proceed to the vote. Those in favour of government motion 47? Those opposed? Government motion 47 carries.

NDP motion 48.

Miss Monique Taylor: Just for clarification before I start—no, I'll just read it through first; never mind.

I move that section 17 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Complaints procedure

"17(1) A service provider that provides residential care to children or young persons or who places children or young persons in residential placements shall establish, in accordance with subsection (3) and the regulations, if any, a written procedure for hearing and dealing with complaints, including complaints regarding alleged violations of the rights under this part of children in care.

"Same

"(2) A service provider shall conduct a review or ensure that a review is conducted, in accordance with the procedure established under subsection (1), on the complaint of,

"(a) a child in care;

"(b) the child's or young person's parent;

"(c) another person representing the child or young person; or

"(d) a group of children in care,

"and shall seek to resolve the complaint.

"Same

"(3) The written procedure shall provide that,

"(a) the service provider advise every child or youth of their right to make a complaint under this section and

inform the child or youth that they may contact the Provincial Advocate for Children and Youth for assistance;

“(b) the service provider respond to the complaint with the results of its review under subsection (2) within a reasonable time frame; and

“(c) when providing the result of its review to the child or young person, the service provider shall advise the child or young person of their right to request that the minister appoint a person to conduct a further review of the complaint under section 18, inform the child or young person that they may contact the Provincial Advocate for Children and Youth for assistance and provide the child or young person with information about the advocate’s investigative function under subsection 15(2) of the Provincial Advocate for Children and Youth Act, 2007.”

I realize that a lot of this is similar to the motion that was brought forward by the government, but there are further powers in here for the review process and the written procedure. I think that we should be able to move this forward in strengthening the child’s right to proper representation and knowing their rights.

Really, if it sounds like it’s a duplication, it very well could be because this procedure and this process of the government having 150 amendments to their own bill and then having to have everybody else come in with the same amendments trying to do the right thing by this bill has really just put this entire process in a very awkward and trying place.

1510

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 48? With none, we’ll proceed to the vote. Those in favour of NDP motion 48? Those opposed? NDP motion 48 falls.

Shall schedule 1, section 17, as amended, carry? Carried.

We’ll move to the next section, 18, government motion 49: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 18(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Further review

“(1) Where a person referred to in subsection 17(3) makes a complaint, whether as an individual or as part of a group, and is not satisfied with the results of the review conducted under that subsection and requests in writing that the minister appoint a person to conduct a further review of the complaint, the minister shall appoint a person who is not employed by the service provider to do so.”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 49? I’ll proceed to the vote, then. All in favour of government motion 49? Those opposed? Government motion 49 carries.

Government motion 50: Ms. Kiwala.

Ms. Sophie Kiwala: I move that clause 18(5)(a) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“(a) each person who made the complaint, whether as an individual or as part of a group;”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 50? Ms. Martow?

Mrs. Gila Martow: I just want to say that it is important to allow for group complaints, especially since we’re often dealing with children and youth and it would be something difficult for them to do on their own. In fact, a group might even be a group of youth in care in a group home together—

Mr. Jim McDonell: Or a parent.

Mrs. Gila Martow: —or including their parents or siblings or things like that. You wouldn’t want to have 10 complaints when they’re all dealing with the same thing. This way, everybody is notified and has it on the record that they had complained about something.

Again, I’m just so surprised that this had to be done in an amendment.

The Chair (Mr. Shafiq Qaadri): Government motion 50: comments? Seeing none, I’ll proceed to the vote. Those in favour of government motion 50? Those opposed? Government motion 50 carries.

Shall schedule 1, section 18, as amended, carry? Carried.

Next section: government motion 51. Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 19(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Minister to advise persons affected of any decision

“(1) Where the minister decides to take any action with respect to a complaint after receiving a report under subsection 18(5), the minister shall advise the service provider and each person who made the complaint, whether as an individual or as part of a group, of the decision.”

The Chair (Mr. Shafiq Qaadri): Government motion 51: comments? We’ll proceed to the vote. Those in favour of government motion 51? Those opposed? Government motion 51 carries.

Shall schedule 1, section 19, as amended, carry? Carried.

We have not received any amendments to date for the next part. Schedule 1, section 20: carried? Carried.

Now, section 21, government motion 52.

Ms. Sophie Kiwala: I move that subsection 21(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Consent to service

“Consent to service: person 16 or older

“(1) Subject to clause (2)(b) and subsection (4), a service provider may provide a service to a person who is 16 or older only with the person’s consent, except where the court orders under this act that the service be provided to the person.”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 52? We’ll proceed to the vote. Those in

favour of government motion 52? Those opposed? Government motion 52 carries.

Government motion 53.

Ms. Sophie Kiwala: I move that subsection 21(3) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): Comments on government motion 53? Miss Taylor?

Miss Monique Taylor: Chair, I just want to put on the record that part of this bill, and moving forward with the new changes to the Child, Youth and Family Services Act, was to incorporate 16- and 17-year-olds into the act. Now we're finding all of these amendments to fix this. I just don't understand why the government felt it necessary to ram this bill through before it was ready, and to leave us in such an awkward position to have all of these amendments. Once again, I don't understand why they just felt it necessary to rush it through, to put us through a process that really isn't suiting anybody's best interests. Let's hope for the sake of the kids of this province that, when this is done, we can somewhat get it right.

The Chair (Mr. Shafiq Qaadri): Comments on government motion 53? Ms. Kiwala.

Ms. Sophie Kiwala: It's a comprehensive bill, and we listened and we made amendments. That's why there are a number of amendments.

The Chair (Mr. Shafiq Qaadri): Any further? Mr. McDonell.

Mr. Jim McDonell: We stated before, the concerns we have. These amendments were made, the vast majority of them, before they even listened, before we had the delegations. The tabling of the bill was quickly followed up with almost 200 amendments, and then we went in to listen to different groups and concerned citizens who came in and talk about the issues and concerns. Many of those were ignored, so most of these changes were put in place well before it ever came to committee.

The Chair (Mr. Shafiq Qaadri): Just before I give the floor to Mr. Colle, on behalf of the AV folks, we have some people who are too enthusiastic with the microphone, some folks who do not use the microphone and some folks who aim it elsewhere. I would just encourage you, because it is being recorded, it's on Hansard, it's being translated etc., to please avail yourself of the technology available.

Mr. Colle.

Mr. Mike Colle: Yes, just to remind people in the committee that this is a very complex bill. You're dealing with the lives of children and families. The ministry staff have done incredible work on this. It's not easy. All of the stakeholders and the people who really care about this bill have put forth ideas. It is incumbent upon the committee to basically have an open mind and to have respect for the process that the ministry people go through.

In all bills of this length, there are many amendments. If there is a perfect bill without amendments, show me

that. I remember that Mike Harris used to have those bills. There were no amendments. They would just ram them through: "Boom! No amendments. We're perfect."

There is imperfection in legislation. Like someone said, it's like making sausage. It is not a cookie-cutter approach. There always will be amendments and there will be changes, because—just look at the complexity of this bill, the number of pages in this bill. Therefore, you can't have it both ways and say, "Well, you listened to the people, but we don't want amendments." You can't have it both ways. You can't suck and blow at the same time, okay?

The Chair (Mr. Shafiq Qaadri): All right, we'll go in order then. Ms. Martow.

Mrs. Gila Martow: First of all, as was said previously, many of these amendments were written before we even had the hearings, so they're not all in response to the hearings—

Mr. Jim McDonell: Most.

Mrs. Gila Martow: Most.

Number 2: I was listening to the member from the Liberal side very closely. What I would say to him is that, yes, when things are complex, such as in health care, if you are a specialist—say you're a cardiologist, and you're putting a patient on heart medication—you consult with the other doctors whom this patient is currently under the care of to see with them, "Are there any adverse effects of me putting the patient on this heart medication? What about for their eye doctor? What about for this doctor?" This is what they do.

Then they go back around and they say, "It's fine," "It's fine," "It's fine," "It's fine," and the fifth doctor whom they consult with says, "It's not fine." Then they have to change it again and go back again and speak to all of the other doctors.

It's the same thing with this legislation. I think what happened is that, say, the provincial advocate's office made a suggestion. Then the government and the ministry staff said, "Well, that's a very good suggestion. We're going to put it in the bill." Then, all of a sudden, the privacy commissioner and the French commissioner and indigenous communities see that new section in the bill that hasn't been legislated before, and they have concerns and they raise their concerns. Each time that one of them raises their concerns, amendments have to be made.

That's how you go through the process of doing the bill, not just consulting, consulting, consulting and writing the bill; it's writing sections and then letting all of the different groups see each other's suggestions, so that then they can comment and make changes and raise concerns.

Just the amendment that we're discussing now—I know we're getting into the broad topic of the bill in general, but just this amendment 53—it's giving consent, but then realizing somebody said, "Okay, in that instance, there have to be exceptions. There are certain circumstances where this would be problematic for the workers. This would be a problem for the children's aid

society. This would be a problem for privacy, for disclosure, for legal purposes, for court cases.”

1520

I think that, yes, it's a complicated bill. Yes, it's comprehensive. We all recognize that. Nobody is trying to insult anybody or criticize anybody. We're just expressing concern and disappointment that it had to be done this way. That's all.

The Chair (Mr. Shafiq Qaadri): Mr. McDonell and then—

Mr. Jim McDonell: Yes, to clarify something—
Interjection.

Mrs. Gila Martow: Not that close.

Mr. Jim McDonell: No. This bill came to the House, obviously, far too quickly, because these amendments you're talking about are not being rammed through by—these are amendments that the government made. It's not the same as saying that Mike Harris rammed bills through. This is a government bill that came with over 170 amendments before it came to committee. I mean, the report originally came out in what, 2012?

Ms. Sophie Kiwala: Point of order.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala: point of order.

Ms. Sophie Kiwala: We all know why amendments come forward. We have considered—

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala, that's not a point of order. You're welcome to comment. I would invite you to wait until—

Ms. Sophie Kiwala: I think we need to proceed to a vote.

The Chair (Mr. Shafiq Qaadri): You're absolutely welcome to have that thought. Mr. McDonell, you have the floor.

Mr. Jim McDonell: I think it's clear that this bill was taken in before it was ready. Amendments are intended to be after it is debated. When it comes to committee, we listen to delegations. It generates amendments. And you're right; no bill is perfect. In the past, I've seen bills come through with just a very few government amendments, and that's what you'd expect.

This report came out originally in 2012. No question that it took a long time to put it together, but we would hope that when a bill gets to this point, the right people have been talked to and listened to, and the legislative officers have been listened to, so that when we get a bill, it's in relatively good shape. When you're taking this many government amendments—all of these amendments were not under the view of the delegations that came to us. It causes a lot of confusion.

I would hope that when the government proposes bills, we'd have a bill that's in a little better shape than this and we don't see this many amendments.

The Chair (Mr. Shafiq Qaadri): Miss Taylor.

Miss Monique Taylor: I'm just going to say once again that the entire process of how this bill has come before us, and the rapidness with which this government is trying to push through this bill when we are talking about children and how important the children are—the

government has created this process. They've brought forward a bill after what they called “extensive consultation,” and brought forward 150-plus amendments with it before consultation even began.

During the consultation and deputation process, I asked several presenters whether they were consulted and, if they were consulted, whether they felt that their voice was reflected in the current bill. A lot of the time, the answer was no.

Then we're given hundreds and hundreds of amendments to a bill which we have days to be able to get through. If the members on the government side are frustrated, then they should deal with their House leader's office and with the Premier to ensure that when they put things forward, they put together a prepared package that is ready to be in this position.

I think that the member opposite needs to think about his thoughts and his words and why we're in this position in the first place.

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor. I'm sure the government members appreciate your advice. I would just invite people to be commenting on the motion before us.

Government motion 53: Are there any further comments? If not, we'll proceed to the vote. Those in favour of government motion 53? Those opposed? Government motion 53 carries.

Government motion 54: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 21(7) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Child's views and wishes

“(7) Before a child is placed in or discharged from a residential placement or transferred from one residential placement to another with the consent referred to in subsection (2), the service provider shall,

“(a) ensure that the child and the person whose consent is required under subsection (2) are made aware of and understand, as far as possible, the reasons for the placement, discharge or transfer; and

“(b) take the child's views and wishes into account, given due weight in accordance with the child's age and maturity.”

The Chair (Mr. Shafiq Qaadri): We're on government motion 54. Any comments? Ms. Martow?

Mrs. Gila Martow: Again, the preamble basically said this in the bill: that we're going to be consulting with the kids, we're going to be involving the kids, we're going to be explaining to the kids, we're going to consult with them re: their placement, their discharge or their transfer.

This was all supposed to be in the bill, and you almost feel that the minister and maybe his colleagues on the other side of the room did have that intention, but, unfortunately, the bill itself was missing some of that, and that's why we're here.

Of course we're going to support this. I don't think there's anybody in the room who doesn't support this.

The Chair (Mr. Shafiq Qaadri): Miss Taylor?

Miss Monique Taylor: I think I'll vote against this one, Chair, just because of the fact that mine coming right after is stronger. The government motion does not advise the child of why they have been denied for their own reasoning, so that's my reason why I'll be voting against this one.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 54?

Mr. Mike Colle: Recorded vote.

The Chair (Mr. Shafiq Qaadri): Recorded vote.

Ayes

Berardinetti, Colle, Kiwala, Martow, McDonell, Potts.

Nays

Taylor.

The Chair (Mr. Shafiq Qaadri): Government motion 54 carries.

NDP motion 55.

Miss Monique Taylor: I move that subsection 21(7) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Child's views and wishes

"(7) Before a child is placed in or discharged from a residential placement or transferred from one residential placement to another, the service provider shall,

"(a) take the child's views and wishes into account, given due weight in accordance with the child's age and maturity; and

"(b) advise the child of the reasons for the service provider's decision."

That's the reason why I voted against the previous motion. We think that it's important that the child is informed and has the ability to understand why decisions were made about them. Also, I would like a recorded vote.

The Chair (Mr. Shafiq Qaadri): Any comments on NDP motion 55? It's the battle of the recorded votes going on right now. In any case, I will proceed, then, to that recorded vote.

Ayes

Martow, McDonell, Taylor.

Nays

Berardinetti, Colle, Kiwala, Potts.

The Chair (Mr. Shafiq Qaadri): NDP motion 55 falls.

Shall section 21, as amended, carry? Carried.

Shall the next two sections, which have not received amendments to date—sections 22 and 23—carry? Carried.

To PC motion 56: Mr. McDonell.

Mr. Jim McDonell: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section:

"Ombudsman Act

"23.1 The following are deemed to be public sector bodies for the purposes of the Ombudsman Act:

"1. Licensees

"2. Lead agencies

"3. Persons or entities, including a society, that provide a service funded under this act."

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. McDonell. It is with severe regret that I have to inform you that that amendment is out of order as it officially attempts to increase the powers of the Ombudsman. As it is out of order, there is officially no discussion on that motion.

We now proceed to NDP motion 57.

Miss Monique Taylor: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section before the heading "Funding of Services and Lead Agencies":

"Adequate funding

"23.1 The government of Ontario shall ensure that there is adequate funding for the services provided under this act."

Chair, we have seen a shell game of dollars happening in this province for many years. We have children's mental health agencies and child welfare agencies all completely underfunded. The people who suffer are the children.

I'm hoping that the government decides to stop the shell game and make sure that government agencies and services that are provided under this act are funded accordingly and properly to ensure that all children and families get the services that they need when they need them.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 57? If none, we shall proceed to the vote. Those in favour of NDP motion—

Miss Monique Taylor: Recorded.

1530

The Chair (Mr. Shafiq Qaadri): A recorded vote.

Ayes

Taylor.

Nays

Berardinetti, Colle, Kiwala, Potts.

The Chair (Mr. Shafiq Qaadri): NDP motion 57 falls.

NDP motion 58: Miss Taylor?

Miss Monique Taylor: Thank you, Chair. Boy, oh boy, oh boy.

I move that clause 24(c) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out the portion before subsection (i) and substituting the following:

“(c) make agreements with persons, agencies, municipalities, organizations and other prescribed entities and provide funding.”

This really puts the responsibility back on making the agreement first, Chair. We think that it's important that the ministry's primary responsibility is to make agreements and to provide services, but also to provide adequate funding to those services. Again, it puts the responsibility on making the agreement and then funding it.

The Chair (Mr. Shafiq Qaadri): NDP motion 58 is on the floor. Comments? We'll proceed, then, to the vote. Those in favour of NDP motion 58? Those opposed? NDP motion 58 falls.

NDP motion 59: Miss Taylor?

Miss Monique Taylor: I move that section 24 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“No funding for for-profit persons, etc.

“(2) The minister shall not provide funding to any person, agency, organization or entity that operates on a for-profit basis.”

This motion clearly speaks for itself. When we have dollars that are not moving throughout the necessary sectors as it is, to be putting out dollars to add profit to any organization is just really a slap in the face to the many service providers who are working under very strained, underfunded conditions.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 59? Ms. Kiwala?

Ms. Sophie Kiwala: Our government supports the provision of services that focus on meeting the needs of children and youth, and we are strongly supportive of the not-for-profit sector.

In order to meet the unique needs of children and youth, however, the ministry requires flexibility in determining who is best positioned to meet their needs. This is the key in this piece of legislation. As the amendment would limit our ability to meet the unique need of children and youth, we must oppose this motion.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 59? If none, we'll proceed to the vote. Those in favour of NDP motion 59? Those opposed? NDP motion 59 falls.

NDP motion 60: Miss Taylor?

Miss Monique Taylor: I move that section 24 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Funding for mental health services

“(3) In providing funding under subsection (1), the minister shall ensure that mental health services are

available to children and youth throughout Ontario and are adequately funded.”

This is something that we heard very clearly from Children's Mental Health, of the underfunded position that they're in. We have residential beds that are closing across the province. We have 12,000 children on the wait-list for mental health services in this province. That is totally unacceptable. Our children deserve better. They deserve services when they need services. They do not need to be sitting on wait-lists. We have children who are committing suicide. We have an overabundance of young people in our emergency rooms and in our hospitals, where they don't need to be.

They need to be getting the proper treatment in their community, and allowing them to be in their homes, if possible, but also in residential facilities. We can't do that if we're closing down residential facilities.

Without proper dollars into our children's mental health, we are just simply playing another shell game. I don't think it's fair that we do that with kids' lives.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 60, everyone? Who's first?

Mrs. Gila Martow: Me.

The Chair (Mr. Shafiq Qaadri): Okay. Ms. Martow.

Mrs. Gila Martow: I'll just say that there is a crisis in Ontario for children and youth mental health. It's probably mostly under the purview of the Minister of Health and Long-Term Care, but there are a lot of challenges and I don't feel that we're doing enough to address the challenges.

We have a shortage of child and youth psychologists. We have a shortage of pediatric psychiatrists in this province. Our kids are graduating from medical school without finding residencies. I think we have to look at what we need for the future and the present in the province in terms of professionals, and offer scholarships or encouragement or open residency spots. It takes a lot of planning and it takes all of us working together to ensure—and not just for children in care, as I think that this amendment actually speaks to all children in Ontario, not just children in care.

Miss Monique Taylor: No, it didn't say that.

Mrs. Gila Martow: No? I thought it did. When I read it, I didn't see that it was mental health only for children in care. Obviously, it's an amendment to a bill on the child welfare system, but I think that we certainly don't want to mandate “no mental health wait-lists for children in care” so that parents are left with no choice but to put their kids in care if they want them to get mental health support. It's a big problem, and I would like to see all of us work together, all three parties, to address this very, very soon.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala?

Ms. Sophie Kiwala: Since 2011, the government has invested almost \$100 million in additional funding in child and youth mental health care, as part of Ontario's mental health and addictions strategy. In addition, through Moving on Mental Health, the ministry has implemented a plan to transform the child and youth

mental health system, including defining a core set of child and youth mental health services that will be available, over time, across the province.

The provision is not necessary, as the ministry has already demonstrated its commitment to meeting the needs of children and youth with mental health problems and their families. Therefore, embedding the provision in legislation is not necessary, and I wonder, additionally, if it's out of order.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Kiwala. Who's first? Miss Taylor.

Miss Monique Taylor: Some 12,000 children on a waiting list for services is not a plan. That is not a plan. Our kids deserve better. We have heard several times over of the crisis that families find themselves in, and their only solution is to find their way into an emergency room, which is not giving them the services either. We have seen young people die after coming out of emergency rooms, found dead the next day by their own hand and by their own means. That is not acceptable. It's unfortunate that the government thinks they have a plan, and we're still in this situation. It's time to quit planning and it's time to get to action, because our kids need it to be done. By saying that the spirit, or whatever it is, is there and that it doesn't need to be in legislation is—and I'll quote my dear friend Peter Kormos—horsefeathers, Chair. Horsefeathers.

I will ask for a recorded vote.

The Chair (Mr. Shafiq Qaadri): Recorded vote. The Chair also salutes the memory of Peter Kormos.

Ms. Martow.

Mrs. Gila Martow: This is a crisis. In a perfect world, every child going into care would be assessed. The default would be to assume that they have mental health challenges. Just the fact that they're going into care would cause most children to have some challenges.

The fact is that the province, I believe, has only two of the trauma units, I would call it, for mental health. There are many residential spots, but there are two where it's really for people who are violent and for difficult-to-manage youth and children. That's where the longest wait-lists are, actually: for those kinds of centres.

I would remind everybody who participated a couple of weeks ago that we had the Ontario Medical Students Association. They had their lobby day. They always have a topic, and this year's topic was mental health for children and youth. That wasn't an accident.

It's not enough to have a plan; you have to be able to implement the plan. It's not enough to quote how much money you're spending; you have to show the results of that spending. I think it's really unfortunate that we're not actually able, probably, in this province to mandate some kind of time frame for mental health assessments because of the wait-list.

1540

The Chair (Mr. Shafiq Qaadri): Just for the committee's notification, we have only 245 amendments to go.

NDP motion 60: Any further comments?

Mrs. Gila Martow: Whose fault is that? I only had 40-something amendments.

Miss Monique Taylor: Recorded.

The Chair (Mr. Shafiq Qaadri): NDP motion 60: a recorded vote. All those in favour of NDP motion 60?

Miss Monique Taylor: Two hands.

The Clerk of the Committee (Mr. Christopher Tyrell): Miss Taylor.

The Chair (Mr. Shafiq Qaadri): No fake voting, please.

All those opposed to NDP motion 60?

Miss Monique Taylor: Wow!

The Clerk of the Committee (Mr. Christopher Tyrell): Ms. Kiwala—

The Chair (Mr. Shafiq Qaadri): NDP motion 60—oh, sorry, recorded vote.

Interjections.

The Chair (Mr. Shafiq Qaadri): Let's just do that again. There's too much cross-talk.

Ayes

Taylor.

Nays

Berardinetti, Colle, Kiwala, Potts.

The Chair (Mr. Shafiq Qaadri): NDP motion 60 falls.

Shall section 24 carry? Carried.

Shall the next two sections, which have not received amendments to date, carry—25 and 26? Carried.

Section 27, government motion 61: Ms. Kiwala.

Ms. Sophie Kiwala: I move—sorry, 61?

Interjection.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala, how would you like your name pronounced?

Ms. Sophie Kiwala: Kiwala is fine.

The Chair (Mr. Shafiq Qaadri): Kiwala.

Interjections.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala, go ahead.

Ms. Sophie Kiwala: Okay. We're all good with my name?

Mr. Arthur Potts: Not "key."

Mr. Mike Colle: Is her name not agreed upon, or what?

Mrs. Gila Martow: Like koala bear.

Ms. Sophie Kiwala: I move that section 27 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding "charge, caution" after "lien".

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Kiwala. I'm scared to say the name now.

Are there any further comments on government motion 61? Ms. Martow.

Mrs. Gila Martow: I would just like the government to explain what this is about. I'm assuming it broadens the scope somehow, but I'm not exactly positive.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 61? Ms. Kiwala.

Ms. Sophie Kiwala: The amendment helps to provide additional clarity as to what may be used as security for payment of funds for services.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 61? Seeing none, we'll proceed to the vote. Those in favour of government motion 61? Those opposed? Government motion 61 carries.

Shall section 27, as amended, carry? Carried.

Shall sections 28, 29, 30, inclusive, for which we have received no amendments to date, carry? Carried.

Section 31, NDP motion 62: Miss Taylor.

Miss Monique Taylor: I move that section 31 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Opportunity to make submissions

"(2.1) Before issuing a directive, the minister shall, in accordance with the prescribed rules, give every service provider, lead agency and bargaining agent whose members are affected by the directive an opportunity to make submissions about the proposed directive."

I think that when we have bargaining agents, when we have workers, when we have lead agencies and service providers, everybody should have the opportunity to make a submission and to talk about what they feel is in the best interests of moving forward.

Without doing that, I think we're really doing an injustice to the actual amalgamation of the work that needs to be done in moving forward.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 62? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 62? Those opposed? NDP motion 62 falls.

NDP motion 63: Miss Taylor.

Miss Monique Taylor: I move that subsection 31(6) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding "by, at a minimum, posting and making it accessible on the ministry website" at the end.

It would go at the end of this section to ensure that it's stronger and to give a time frame to ensuring that the posting is done and that public availability is actually there.

The Chair (Mr. Shafiq Qaadri): Comments to NDP motion 63? Ms. Kiwala.

Ms. Sophie Kiwala: This amendment is not necessary. The ministry has already committed to making directives available to the public, which may include posting them on its website, and all website content must be available in an accessible format.

As well, ministry websites may become obsolete or outdated in the future. That level of specificity may not be appropriate for inclusion in the act.

The Chair (Mr. Shafiq Qaadri): Ms. Martow and then Miss Taylor.

Mrs. Gila Martow: It's interesting that the member just used the word "may"—that right now, the minister may post on the website instead of that he must.

We could say that he must share with the public through any use of technology that is available, including websites, apps—anything that comes in the future. We could apply it that way, but I think that websites are around for a while. If, in 20 years or 30 years or 40 years, there are no more websites, I think we'll be able to deal with that. I think it would be understood if we put "VHS" or something in a bill—I don't think we've had to reopen any acts or bills because they had the word "eight-track" or "VHS" in them, to amend them. I think it's pretty well understood by anybody in the legal profession that if that technology doesn't exist anymore, then obviously you don't have to comply and use it.

The Chair (Mr. Shafiq Qaadri): Miss Taylor.

Miss Monique Taylor: I feel like the member opposite just asked me to, "Just trust me"—that the government is going to do the right thing and that the information is going to be available. We have a hard time with that, Chair, and that's why this is in front of us, asking for clarity and ensuring that it is in legislation so that the government must do it.

The Chair (Mr. Shafiq Qaadri): Comments: NDP motion 63? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 63? Those opposed? NDP motion 63 falls.

Shall section 31 carry? Carried.

NDP motion 64: Miss Taylor.

Miss Monique Taylor: I move that section 32 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Opportunity to make submissions

"(2.1) Before issuing an order, the program supervisor shall, in accordance with the prescribed rules, give every service provider, lead agency and bargaining agent whose members are affected by the order an opportunity to make submissions about the proposed order."

This is something that came to us from several stakeholders in the request that everybody has the opportunity to have a say and to make a submission.

The Chair (Mr. Shafiq Qaadri): NDP motion 64: comments? If there are none, we'll proceed to the vote. Those in favour of NDP motion 64? Those opposed? NDP motion 64 falls.

Government motion 65: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 32(4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Public availability

"(4) The minister,

"(a) may make orders under this section available to the public; and

“(b) shall make a summary of each order under this section available to the public in accordance with the regulations.”

The Chair (Mr. Shafiq Qaadri): Miss Taylor.

Miss Monique Taylor: I find it unfortunate that it says that the minister “may” make orders instead of “shall.” Time and time again, we’re hearing the government say, “Trust us; we’ll do the right thing.” It’s not about the government of the day; it’s about governments coming forward for years after and people having to interpret legislation. We need to ensure that there’s a safety net, and keep kids safe in our province. Using the word “may” isn’t going to cut it. I will be voting against this motion.

The Chair (Mr. Shafiq Qaadri): Comments on motion 65? Mr. McDonell.

Mr. Jim McDonell: We have a government that always talks about being transparent and very open to the public, and we see a statement here where they “may” make orders available to the public. I don’t know why that shouldn’t be “shall.”

The Chair (Mr. Shafiq Qaadri): Comments? We’ll proceed, then, to the vote. Those in favour of government motion 65? Those opposed? Government motion 65 carries.

NDP motion 66.

1550

Miss Monique Taylor: I move that subsection 32(4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Public availability

“(4) The minister shall make orders under this section available to the public by, at minimum, posting and making them accessible on the ministry website.”

This is from the Provincial Advocate for Children and Youth, asking for clarity, so that people have the ability to see things posted. It’s transparency, accountability. It’s being out there in the public and making sure that the minister makes his orders in public.

The Chair (Mr. Shafiq Qaadri): Further comments? Mr. McDonell.

Mr. Jim McDonell: For the same reason that I’m suggesting that it should be “shall”—again, if the government wants to be open and transparent, they have to actually let the public know what’s going on. We have the advocate for child and youth services worried about the same issue, and I think we should take his advice and make that amendment.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 66? Seeing none, we’ll proceed to the vote. Those in favour of NDP motion 66? Those opposed? NDP motion 66 falls.

NDP motion 67: Miss Taylor.

Miss Monique Taylor: I move that section 32 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Appeal

“(4.1) An order under this section may be appealed to the minister by a service provider, a lead agency or by a bargaining agent whose members are affected by the order.”

There are concerns from several stakeholders that this gives too much authority to program supervisors and that the appeals should go to the minister.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 67? Seeing none, we’ll proceed to the vote. Those in favour of NDP motion 67? Those opposed? NDP motion 67 falls.

Shall section 32, as amended, carry? Carried.

We’ll proceed to the next section. NDP motion 68.

Miss Monique Taylor: I move that subsections 33(5) and (6) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Crown agents

“(5) Every society and its members, officers, employees and agents are agents of the crown in right of Ontario.

“No personal liability

“(6) No action or other proceeding shall be instituted against a society or a member, officer, employee or agent of a society for an act done in good faith in the execution or intended execution of a duty under this act, or for an alleged neglect or default in the execution in good faith of the duty.

“Tort by crown

“(7) Despite subsection 5(2) and (4) of the Proceedings Against the Crown Act, subsection (6) does not relieve the crown of liability in respect of a tort committed by a society or one of its members, officers, employees or agents to which it the crown would otherwise be subject.”

This is brought to us by the provincial advocate, to ensure that there is a legal responsibility held to the crown for emotional and financial damage to a person.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 68? Ms. Martow.

Mrs. Gila Martow: In the hearings, the witnesses from youth in care Canada and the provincial advocate as well as Patricia Burton all said that removing the liability of the ministry for any act or omission of a children’s aid society was unacceptable. So this does raise some concerns.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 68? Seeing none, we’ll proceed to the vote. Those in favour of NDP motion 68? Those opposed? NDP motion 68 falls.

NDP motion 69. Miss Taylor, NDP motion 69.

Miss Monique Taylor: Here I go again. I move that subsection 33(6) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out.

If I could just catch myself up here, Chair—I’m lost. “No action or other proceeding” was the problem, and we just wanted this one. This came from the advocate, once again, asking that this section be struck out.

The Chair (Mr. Shafiq Qaadri): Are there any further comments on NDP motion 69? Ms. Martow?

Mrs. Gila Martow: I just want to say that section 33 that the NDP is asking to have removed would mean less power in the hands of the minister. We certainly know why. There were a lot of people in different communities and agencies that feel that they would like to see less power, not more power.

There is a lot of concern, as well, from the children's aid societies that they're going to be forced to amalgamate. Basically, what the minister said in the Legislature, if I recall correctly, was that they're not looking to amalgamate children's aid societies but they want the power to do it. If they're running a deficit, if they're not balancing their budgets properly, then the ministry would want to amalgamate them.

Well, we're raising the age of care to 18 and we're not hearing from the government where the money is going to come from for that whole new cohort that's going to move in, so you could see why the children's aid societies are nervous, because they feel they're being set up to not be able to balance their budgets, that they're going to be given this huge, new mandate to fulfill without the funding to fulfill it. I think that they do care about doing a good job, a proper job, fulfilling their mandate, and some of them are quite terrified.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 69? If not, we'll proceed to the vote. Those in favour of NDP motion 69? Those opposed? NDP motion 69 falls.

Shall section 33 carry? Carried.

We proceed now to the next section, 34. NDP motion 70: Miss Taylor.

Miss Monique Taylor: I move that section 34 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Caseload benchmarks

"(3) For the purpose of enabling a society to consistently provide the standard of services referred to in clause 2(a), the society shall ensure that its employees follow the prescribed caseload benchmarks."

This is regarding the level of caseloads that our children's aid workers are faced with. There is really no consistency across the province for how many cases that each individual is carrying. Staff are stretched beyond limits, and mistakes happen because of that, so we think it's important that there are benchmarks and that we put a limit on how many cases can actually be undertaken by one person.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 70? Ms. Martow?

Mrs. Gila Martow: I just wanted to add to that, to say that by bringing in this new data network, CPIN—I don't know if anybody considered how much extra work this was going to be for the child care workers or the social workers. They're not stenographers, and nobody seemed to have thought to make sure that the system was going to be able to allow for voice inputting, which it does not.

It can't be adapted; I asked. It seems like we got ourselves roped into something that cannot move with the times and with new technology, which is extremely unfortunate. Even video interviews with youth or children—all of this would be vastly superior to somebody taking notes.

1600

We're worried about overworked child care workers and their caseloads, and the member from the NDP is putting it forward, saying that we should have a limit on casework. Well, the crux of the matter is that if our child care workers are busy just doing data entry, they don't have much time to work on the casework. It's unfortunate. The whole problem is just going to get worse.

The Chair (Mr. Shafiq Qaadri): NDP motion 70? Mr. McDonell.

Mr. Jim McDonell: I just can't let this go by without talking about how disappointed we are to see the time it has taken to put CPIN in. The reports show the importance of this program. It has taken forever to get it available. They're talking about not having it fully instituted until after 2020. Obviously, it's a workload problem or it's just another IT program that this government has taken in that they're afraid is not going to work, as we've seen so often in the past.

It's a key point of the recommendations, to get this up and running. Why it would take—well, we're talking 2012 to 2020. I mean, it's an embarrassment.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 70? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 70? Those opposed? NDP motion 70 falls.

NDP motion 71.

Miss Monique Taylor: I move that section 34 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Guidelines re dangerous situations

"(4) Every society shall ensure that employees of the society are required to be accompanied by another employee or a peace officer in situations that are dangerous or where the level of danger is not known."

This comes to us from the workers, and from OPSEU specifically and I believe CUPE also. It's called co-teaming, and it's something that people have been talking about for quite some time.

We have occupational health and safety standards in this province, and people with the right to refuse working conditions. The children's aid workers aren't refusing to do the job; they just want to feel that they are safe when they do the job. Sometimes they go into situations that are not kind and that can be very dangerous. I think it's incumbent on the societies to ensure that they have the ability to take somebody with them if they feel they are in an unsafe situation. Like I said, it's a health and safety issue, and I think we should be moving forward and ensuring that we're keeping our workers safe.

The Chair (Mr. Shafiq Qaadri): Further comments? Ms. Martow.

Mrs. Gila Martow: I think we're spending so much money on security at stadiums and airports, and in the meantime we're leaving nurses and child care workers in very vulnerable situations. You can imagine what goes on when a child care worker shows up to investigate unannounced, or—"apprehend" was the old term; now it's to remove the child from an unsafe situation and bring them to a safe place. Obviously, we need to start thinking of how we're going to go about this, because we can't keep allowing our nurses and child care workers to get assaulted.

I kind of believe, and I think my colleague does as well, that this would actually possibly reduce the number of calls to 911 involving first responders, because if you know that there's a potential for a difficult situation, to bring an officer with you I think is preventive. I think it's less likely for somebody to act out against a social worker or refuse to co-operate if they just see the officer. It's a very powerful—they even show that if they put up a cardboard cut-out of a police officer on the road, people behave better. Imagine if they see an officer in uniform in the flesh. I think it might actually require less officers to be involved in the long run, is what I'm trying to say.

The Chair (Mr. Shafiq Qaadri): Thank you.

Miss Monique Taylor: Recorded vote.

The Chair (Mr. Shafiq Qaadri): Recorded vote. Any further comments on NDP motion 71? We'll proceed, then, to the vote.

Ayes

Martow, McDonell, Taylor.

Nays

Berardinetti, Colle, Kiwala, Potts.

The Chair (Mr. Shafiq Qaadri): NDP motion 71 falls.

Shall section 34 carry? Carried.

Shall section 35 carry? Carried.

Government motion 72.

Ms. Sophie Kiwala: I move that section 36 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "or other proceeding".

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 72? Miss Taylor?

Miss Monique Taylor: I would just like to know what the government means by "good faith." It's kind of like, "Trust me again," so I'd love an explanation of "good faith."

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 72? All right; we'll proceed, then, to the vote. Those in favour of government motion 72? Those opposed? Government motion 72 carries.

Shall section 36, as amended, carry? Carried.

We have three sections to which, to date, we have not received amendments. Shall sections 37, 38 and 39 carry? Carried.

Section 40, NDP motion 73: Miss Taylor?

Miss Monique Taylor: I move that section 40 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Increase in demand

"(6) If there is a significant increase in demand for services provided by a society and the increase was not foreseen by the society or the minister at the time an accountability agreement was entered into, either party may request to renegotiate the accountability agreement in order to respond to the increase in demand."

You know, Chair, this is really just about having some fluidity in the system to ensure that the dollars are there for an already underfunded system. We see CPIN and what that's doing to our child welfare agencies and making the underfunding problem that much worse. We're asking for fluidity in the funding arrangement to make sure that children's aid societies can function and can keep up to the demand that they're there for, and ensuring that kids are safe.

The Chair (Mr. Shafiq Qaadri): Ms. Martow?

Mrs. Gila Martow: I love the word "fluidity." The member from the NDP is absolutely right that we need fluidity in a lot of areas, including our education system. I believe that when the PCs were in government, there was a \$450-million fund specifically for rural schools, if they needed it, because they recognized that the funding model on a per-student basis doesn't necessarily work in rural communities. I think that's why we're seeing such a struggle to keep rural schools open, because that \$450 million, apparently, was put to other uses.

We recognize that in the budget there should be a line with a significant amount of money for emergency funding for the same reason: that there can be emergencies due to weather or due to other catastrophic incidences that can occur. I think it behooves us as the government to ensure that there's that rainy-day fund in all areas that are under our mandate.

The Chair (Mr. Shafiq Qaadri): Just before I offer the floor to Mr. McDonell, just to let you know: We may be called for a vote, for which we'll take about a 15-minute or so recess.

The floor is open. Mr. McDonell.

Mr. Jim McDonell: Yes, I'm concerned because times are tough and we see demand for public services increasing at a great rate. When it comes to our children in need, I would hope that the children's aid wouldn't be handcuffed by funding issues. Surely this is something that is the first place emergency funding should go. I think we need to look at what we do when an area has an issue that requires immediate help. We see far too many in the First Nations areas—for example, the suicide rates. These are areas that need emergency help and they don't have the time to wait for a year until the budget actually comes back with extra funding. I think it's something that should be addressed immediately.

The Chair (Mr. Shafiq Qaadri): Miss Taylor?

Miss Monique Taylor: Recorded vote.

The Chair (Mr. Shafiq Qaadri): Thank you. So we'll proceed to the recorded vote on NDP motion 73.

Ayes

Martow, McDonell, Taylor.

Nays

Berardinetti, Colle, Kiwala, Potts.

The Chair (Mr. Shafiq Qaadri): NDP motion 73 falls.

Shall section 40 carry? Carried.

We proceed now to PC motion—

Mr. Mike Colle: A point of order.

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Colle.

Mr. Mike Colle: I'd like to take a 15-minute recess, please.

The Chair (Mr. Shafiq Qaadri): Agreed. A recess for 15 minutes.

The committee recessed from 1610 to 1627.

The Chair (Mr. Shafiq Qaadri): Colleagues, I invite you to please be seated so we can reconvene. We have before us PC motion 74. Mrs. Martow, PC motion 74. I invite you to please—

Mrs. Gila Martow: Let me move a little closer.

I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section:

“Auditor General Act

“40.1 The Auditor General may review and report on the financial situation of the following:

“1. Licensees.

“2. Lead agencies.

“3. Persons or entities, including a society, that provide a service funded under this act.”

The Chair (Mr. Shafiq Qaadri): Also, Mrs. Martow, I inform you that, again, as it's referring to the expansion to the Auditor General's powers, motion 74 is out of order. Therefore there will be no further discussion on it.

We now move to NDP motion 75: Miss Taylor.

Miss Monique Taylor: Could I ask for clarification on that, or is that out of order?

The Chair (Mr. Shafiq Qaadri): Sure, please.

Miss Monique Taylor: Does the Auditor General not already have this ability? I'm just curious.

The Chair (Mr. Shafiq Qaadri): Is anyone able to answer that question? If not, we will move on. We can bank that question if you can await the reply at another time.

Miss Monique Taylor: I'm just curious. Thank you.

The Chair (Mr. Shafiq Qaadri): I'll direct legislative counsel to—your best efforts.

NDP motion 75.

Miss Monique Taylor: I move that section 41 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Opportunity to make submissions

“(1.1) Before issuing a directive under this section, the minister shall, in accordance with the prescribed rules,

give every service provider, lead agency and bargaining agent whose members are affected by the directive an opportunity to make submissions about the proposed directive.”

Again, this goes back to people on the ground having an ability to have a say in directives that the government or the minister is bringing forward. I think it's incumbent on a government who claims to be accountable and transparent to ensure that all people who are affected by this have a say to their changes.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 75?

Miss Monique Taylor: Recorded vote.

The Chair (Mr. Shafiq Qaadri): Recorded vote. Seeing none, we'll proceed to the vote.

Ayes

Taylor.

Nays

Berardinetti, Colle, Kiwala, Potts.

The Chair (Mr. Shafiq Qaadri): It falls. NDP motion 76.

Miss Monique Taylor: I move that subsection 41(5) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding “by, at a minimum, posting and making it accessible on the ministry website” at the end.

This, once again, goes to accountability, transparency, and people having the ability to see things that are put out by the ministry. Again, a government that claims to be accountable and transparent should, at the very least, be posting things and making it accessible on websites.

Recorded vote.

The Chair (Mr. Shafiq Qaadri): Recorded vote.

Comments on NDP motion 76? Ms. Martow.

Mrs. Gila Martow: Again, we want to see an increase in transparency and accountability, not just talk about it. I think that that's what this would provide, by enforcing that the ministry actually would make a summary of each order available to the public. I hope that the government will be supporting more transparency and accountability.

The Chair (Mr. Shafiq Qaadri): I'll proceed, then, to the vote.

Ayes

Martow, Taylor.

Nays

Berardinetti, Colle, Kiwala, Potts.

The Chair (Mr. Shafiq Qaadri): Motion 76 falls.

Shall section 41 carry? Carried.

Government motion 77: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 42(4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Public availability

“(4) The minister,

“(a) may make orders under this section available to the public; and

“(b) shall make a summary of each order under this section available to the public in accordance with the regulations.”

The Chair (Mr. Shafiq Qaadri): Comments on motion 77? Miss Taylor.

Miss Monique Taylor: Once again, we see the same motion before us—yes, under a different section—but, once again, we have ministers who “may” make orders, instead of “shall” make orders. We think that changing that wording definitely strengthens this motion.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 77? If not, then we will proceed to the vote. Those in favour of government motion 77? Those opposed? Government motion 77 carries.

NDP motion 78: Miss Taylor.

Miss Monique Taylor: I move that subsection 42(4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Public availability

“(4) The minister shall make orders made under this section available to the public by, at minimum, posting and making them accessible on the ministry website.”

Again, Chair, accountability, transparency and the firmness of the word “shall” are incumbent when we’re talking about this bill and ensuring that we’re keeping our kids safe.

The Chair (Mr. Shafiq Qaadri): Further comments to NDP motion 78? If not, we’ll proceed to the vote. Those in favour of NDP motion 78? Those opposed? NDP motion 78 falls.

Shall section 42, as amended, carry? Carried.

We’ve received no amendments to date on the next four sections: 43, 44, 45, 46. Shall they carry? Carried.

NDP motion 79.

Miss Monique Taylor: I move that subsections 47(3), (4) and (5) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Notice of proposed order

“(3) If the minister proposes to make an order under subsection (1), the minister shall give written notice of the proposed order and any directions contained in the order, and reasons for them, including the expected impact on service delivery, to each affected society.

“Society must give notice to affected employees, etc.

“(3.1) Each society that receives a notice under subsection (3) shall immediately give a copy of the notice to affected employees and their bargaining agents and to other persons or entities whose contracts are affected by the order.

“Right to respond re directions

“(4) A society, a bargaining agent of the employees of a society, and other persons or entities in receipt of a notice under subsection (3) may make written submissions to the minister within 30 days after receipt of the notice or within a different time period specified in the notice. The written submissions may be with respect to any directions contained in the order, but not with respect to the order itself.

“Minister’s decision re directions

“(5) After considering a written submission from the society or a bargaining agent or, if no submission is received, after the time period under subsection (4) has expired, the minister may confirm, revoke or amend the directions contained in the order.

“Community consultation

“(5.1) Before making an order under subsection (1), the minister shall conduct consultations with the affected community or communities in accordance with the prescribed rules.”

Once again, this is about accountability and transparency, and ensuring that all voices are heard, and that there is a time limit put on the expected time of the service delivery. I think it’s important that this be done. Workers across this province are asking that their voices be heard and that they are allowed to have the opportunity to give a submission.

I hope that the government is considering passing this motion.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 79? Ms. Martow.

Mrs. Gila Martow: I think that workers should have rights, and I think that this is a very reasonable suggestion.

The Chair (Mr. Shafiq Qaadri): Further comments? We’ll proceed to the vote.

Miss Monique Taylor: Recorded.

The Chair (Mr. Shafiq Qaadri): Recorded vote on NDP motion 79.

Ayes

Martow, Taylor.

Nays

Berardinetti, Colle, Kiwala, Potts.

The Chair (Mr. Shafiq Qaadri): NDP motion 79 falls.

We’ll be changing the order here. We’re now at government motion 79.1, an addendum. Ms. Kiwala for government motion 79.1.

Ms. Sophie Kiwala: I move that section 47 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Notice to employees and bargaining agents

“(3.1) Each society that receives a notice under subsection (3) shall give a copy of the notice to affected employees and their bargaining agents.”

The Chair (Mr. Shafiq Qaadri): Miss Taylor?

Miss Monique Taylor: This does not go far enough. It says that they give notice, but they don't have the opportunity to respond and to make written submissions. I think it's the responsibility of the government to listen to the societies, to the bargaining agencies, to any other persons or entities. This is Big Brother saying, “This is what you're being told to do, and you do not have the option to respond.” I think it's unfortunate that this is the move that the government thinks is best.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 79.1? If not, we'll proceed to the vote. Those in favour of government motion 79.1? Those opposed? Motion 79.1 carries.

Government motion 80.

Ms. Sophie Kiwala: I move that clause 47(7)(b) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “copies of”.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 80? Ms. Martow.

Mrs. Gila Martow: I would ask that the government explain. I'm assuming that they're removing copies because they feel one copy is sufficient to give to the children's aid societies and that they expect them to copy on an as-needed basis, but I'm not positive if that's what their intent is.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 80? Ms. Taylor.

Miss Monique Taylor: I would also ask for clarification. If things are not going to be put on websites or they're not going to be somewhere open for people see them—I'm curious as to what the government is doing here.

The Chair (Mr. Shafiq Qaadri): Further comments? We'll proceed, then, to the vote on government motion 80. Those in favour of government motion 80? Those opposed? Government motion 80 carries.

Shall section 47, as amended, carry? Carried.

We've not received amendments to date for the next seven sections, which are 48 to 54, inclusive. May I take them as carried? Carried.

NDP motion 81.

1640

Miss Monique Taylor: I move that section 55 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Information re overrepresented groups

“(2) Every service provider and lead agency shall make a report and provide information, including personal information, to the minister respecting the overrepresentation of certain populations of children and young people at the prescribed intervals or whenever the minister requests it.”

We heard very clearly of the lack of data that's available to the ministry to ensure that decisions are being made reflecting what is happening in our communities. We know that we have an overrepresentation of black youth and children and indigenous children in our children's aid societies and our corrections facilities, but those numbers aren't because of hard data that's coming from those sectors, but by other means of gleaning information.

It's incumbent on the government to ensure that data is being collected and that the information is being used properly to ensure that we don't have overrepresentation of any specific group of children within our system. If there is, then there are stats and data to be able to reflect on why that's happening and to make changes in the future.

The Chair (Mr. Shafiq Qaadri): NDP motion 81: Ms. Kiwala?

Ms. Sophie Kiwala: We do agree with the intent of the motion and thank the NDP for bringing it forward. However, as the wording in section 55 already provides authority for the minister to request information from service providers, including lead agencies, this motion is not necessary.

The Chair (Mr. Shafiq Qaadri): Any further comments on NDP motion 81? If not, we'll proceed to the vote. Those in favour of NDP motion 81? Those opposed? NDP motion 81 falls.

Shall section 55 carry? Carried.

Shall section 56 carry? Carried.

NDP motion 82.

Miss Monique Taylor: I move that section 57 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Information available to the public

“57(1) Every service provider and lead agency shall make the prescribed information available to the public in the prescribed manner, in plain language that is accessible to youth.

“Information re overrepresented groups

“(2) The minister shall make available to the public information and statistics respecting the overrepresentation of populations of children and young people in the prescribed manner and at the prescribed intervals.”

This, again, is regarding data and language being used that young people can understand and that is accessible to them. Obviously, the advocate felt that this isn't currently happening and that it needs to be in legislation to ensure that it is accessible to youth.

Once again, I'm going to come back to the fact that this bill is supposed to be child-centred. This is supposed to give youth a voice to be heard. Without ensuring that plain language is used, it's going to go in the face of what people have been asking for, of what the changes are supposed to reflect going forward in the future. It's important that this information is there and that it's being collected properly.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 82? Ms. Kiwala.

Ms. Sophie Kiwala: We thank the NDP for tabling this motion and agree with the intent. However, existing wording in section 57 already provides authority for the minister to request that service providers, including lead agencies, make reports available to the public.

In addition, Ontario accessibility regulations already require public information to be written in a manner that's understandable to the public. Section 57 also includes regulatory authority to prescribe further requirements, if required.

In addition, the proposed Anti-Racism Act, if passed, will also require the minister to publish reports related to the anti-racism strategy in support of racialized and overrepresented groups.

Because the intent is already captured, we will be opposing this motion.

Miss Monique Taylor: Chair?

The Chair (Mr. Shafiq Qaadri): Yes, Miss Taylor, and then, Ms. Martow.

Miss Monique Taylor: I still do not believe that I heard the terminology "plain language," so that it is understandable by youth. We see many things that are written—this legislation, for one of them—so that if youth were to pick up this legislation to try to figure out their rights, good luck. This is certainly not plain language, and I can't say that it's going to benefit the people who we serve in ensuring that they are able to understand the language that things are being put out with.

Once again, I'll reiterate the fact that plain language that is accessible to youth should be included in this legislation.

The Chair (Mr. Shafiq Qaadri): Ms. Martow.

Mrs. Gila Martow: I would just add that we're always hearing about increased transparency. That's what this amendment is about: allowing youth and young adults in care to have the communication that they need in the type of language that they can understand. Information: That's what transparency is about.

The Chair (Mr. Shafiq Qaadri): Further comments? We'll proceed, then, to the vote on NDP motion 82.

Those in favour of NDP motion 82? Those opposed? NDP motion 82 falls.

Shall section 57 carry? Carried.

The next three sections en bloc: sections 58, 59, 60. Carried? Carried.

Government motion 83.

Ms. Sophie Kiwala: I move that clause (a) of the definition of "institution" in section 61 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "with the capacity of providing residential care" and substituting "in which residential care can be provided".

The Chair (Mr. Shafiq Qaadri): Comments on government motion 83? If none, we'll proceed to the vote. Those in favour of government motion 83? Those opposed? Carried.

Shall section 61, as amended, carry? Carried.

Government motion 84: Ms. Kiwala.

Mrs. Gila Martow: Point of order, Chair.

The Chair (Mr. Shafiq Qaadri): Yes, Ms. Martow.

Mrs. Gila Martow: When we vote to pass groups of sections, aren't we supposed to say, "Can we group these sections together and vote on them as a group?" That's what we've done—

The Chair (Mr. Shafiq Qaadri): Sure. I thought I was attempting to do that.

Mrs. Gila Martow: Okay.

The Chair (Mr. Shafiq Qaadri): I'll make it clearer. Go ahead, Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 62(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Residential placement advisory committees

"(1) The minister may establish residential placement advisory committees and shall specify the territorial jurisdiction of each advisory committee.

"Composition

"(1.1) Each residential placement advisory committee shall consist of persons whom the minister considers appropriate, which may include,

"(a) persons engaged in providing services;

"(b) other persons who have demonstrated an informed concern for the welfare of children;

"(c) one representative of the ministry; and

"(d) if the minister wishes, a representative of a band or First Nations, Inuit or Métis community."

The Chair (Mr. Shafiq Qaadri): Comments on government motion 84? Seeing none, we'll proceed to the vote.

Those in favour of government motion 84? Those opposed? Motion 84 carries.

NDP motion 85.

Miss Monique Taylor: I move that subsection 62(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Residential placement advisory committees

"62(1) The minister shall establish residential placement advisory committees, each consisting of one representative of the ministry and of no less than three persons who are engaged in the provision of services or demonstrate an informed concern for the welfare of children and whom the minister considers appropriate, including, if the minister wishes, a representative of a band or First Nations, Inuit or Métis community, and shall specify the territorial jurisdiction of each advisory committee."

This increases the membership of the committee from a minimum of one to a minimum of three, and it replaces the word "may" with "shall."

The Chair (Mr. Shafiq Qaadri): Comments on the NDP motion? Ms. Martow.

Mrs. Gila Martow: This is obviously very similar to government amendment number 84, which was just passed, except this one, I think, is clearer and stronger,

and basically focuses on the makeup of advisory committees, which is very important.

The Chair (Mr. Shafiq Qaadri): Comments, NDP motion 85? If not, we'll proceed to the vote. Those in favour of NDP motion 85? Those opposed? NDP motion 85 falls.

NDP motion 86. Miss Taylor, NDP motion 86?

1650

Miss Monique Taylor: Yes, I'm going, I'm going.

I move that subsection 62(4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Reports to minister

"(4) An advisory committee shall make a report of its activities to the minister,

"(a) on or before January 31 in each year; and

"(b) at such other times when requested by the minister."

It's pretty close to the next motion coming forward, but this motion sets out a date for an annual report that the government motion to come does not.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 86? Ms. Martow?

Mrs. Gila Martow: I just want to say that I support this amendment in theory but I'm just a little concerned about having an actual date in there. I think that the government comes up with something similar without a date, somewhere.

Miss Monique Taylor: Then what's the point?

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 86? Mr. McDonell?

Mr. Jim McDonell: Well, I think we're seeing in other authorities that there are many reports we're not getting, and I think that putting a date in is not such a bad idea because at least you can call them on it and provide some objective. Right now, there are too many committees and too many agencies that are not providing yearly updates as required by law.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 86? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 86? Those opposed? NDP motion 86 falls.

Government motion 87.

Ms. Sophie Kiwala: I move that subsection 62(4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "whenever the minister requests it" and substituting "annually and at any other time requested by the minister".

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 87? Seeing none, we'll proceed to the vote. Those in favour of government motion 87? Those opposed? Government motion 87 carries.

Shall section 62, as amended, carry? Carried.

NDP motion 88.

Miss Monique Taylor: I move that clause 63(1)(b) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out the portion before subclause (i) and substituting the following:

"(b) every residential placement of a child who objects to the residential placement or otherwise requests a review of the residential placement and who resides within the advisory committee's jurisdiction,"

This removes the "12 or older" portion so it gives the same rights to children under 12, and it gives an opportunity to review a placement even if they're not objecting to the placement.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 88? Ms. Martow?

Mrs. Gila Martow: I've said it before, that in some areas it's reasonable to take away the age barrier and that children younger than 12 are quite willing and able and capable of being aware of what's going on or giving their opinion. In some areas, maybe, it is not as appropriate, but I think in this case it is appropriate. But I believe the government puts forward an amendment following this one that's very similar, so I would suggest that we don't waste too much time on it.

The Chair (Mr. Shafiq Qaadri): I'll proceed to the vote, then, on NDP motion 88. Those in favour of NDP motion 88? Those opposed? NDP motion 88 falls.

Government motion 89.

Ms. Sophie Kiwala: I move that clause 63(1)(b) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "12 or older" in the portion before subclause (i).

The Chair (Mr. Shafiq Qaadri): If we can proceed to the vote on this one, unless there are comments: Those in favour of government motion 89? Those opposed? Government motion 89 carries.

NDP motion 90.

Miss Monique Taylor: I move that subsection 63(3) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Review to be informal, etc.

"(3) An advisory committee shall conduct a review under this section in an informal manner and in the absence of the public, and in the course of the review shall have one or more of its members interview the child, solicit their views and wishes and attend at the residential placement.

"Same

"(3.1) During the course of a review under this section, the advisory committee may also,

"(a) interview members of the child's family and any representatives of the child and family;

"(b) interview persons engaged in providing services and other persons who may have an interest in the matter or may have information that would assist the advisory committee;

"(c) examine documents and reports that are presented to the committee; and

"(d) examine records relating to the child and members of the child's family that are disclosed to the committee."

This really is saying that the child must be interviewed and must be heard.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 90? If not, we'll proceed to the vote. Those in favour of NDP motion 90? Those opposed? NDP motion 90 falls.

Government motion 91: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 63(5) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following clause:

"(a.1) consider the child's views and wishes, given due weight in accordance with the child's age and maturity;"

The Chair (Mr. Shafiq Qaadri): Ms. Martow?

Mrs. Gila Martow: I just want to say that this is basically following what's in the preamble, so it's not something that we had to hear from in the hearings or the consultations. It was in the preamble that this was going to be in the bill, so why was it left out? Unfortunate, but we'll vote on it and put it in.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 91? If not, we'll proceed to the vote. Those in favour? Those opposed? Government motion 91 carries.

NDP motion 92.

Miss Monique Taylor: I withdraw.

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor.

Shall section 63, as amended, carry? Carried.

Government motion 93.

Ms. Sophie Kiwala: I move that that paragraph 4 of subsection 64(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"4. The child, in language suitable to the child's understanding."

The Chair (Mr. Shafiq Qaadri): Any comments?

Mrs. Gila Martow: Ditto for what I said before. This was in the preamble. Why wasn't it in the original bill?

The Chair (Mr. Shafiq Qaadri): Any further comments? We'll proceed to the vote. Those in favour of government motion 93? Those opposed? Motion 93 carries.

NDP motion 94.

Miss Monique Taylor: I'll withdraw as it's same as the previous motion.

The Chair (Mr. Shafiq Qaadri): Thank you.

Government motion 95.

Ms. Sophie Kiwala: I move that subsection 64(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "if the child is 12 or older" at the end.

The Chair (Mr. Shafiq Qaadri): Comments on government motion 95? If not, we'll proceed to the vote. Those in favour of government motion 95? Those opposed? Motion 95 carries.

NDP motion 96.

Miss Monique Taylor: Same as the previous motion: I'll withdraw.

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor.

Shall section 64, as amended, carry? Carried.

Government motion 97.

Ms. Sophie Kiwala: I move that subsection 65(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "is 12 or older and" in the portion before clause (a).

The Chair (Mr. Shafiq Qaadri): Mr. McDonnell?

Mr. Jim McDonnell: I just want to get on the record that this bill is finally dealing with students who are 16 and 17 years old. There have been a number of private members' bills. I know I had one a year ago that passed, but of course failed because of prorogation. I know the previous member Rod Jackson also had a bill much before that, which I believe passed as well. I think there was another one that has been tabled.

It's time. The government, obviously, in agreeing with those bills, supported it, but it's taking a long time to put it in place.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 97? If not, we'll proceed to the vote. Those in favour of government motion 97? Those opposed? Government motion 97 carries.

NDP motion 98.

Miss Monique Taylor: Same as previous: I withdraw.

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor.

Shall section 65, as amended, carry? Carried.

NDP motion 98.1.

Miss Monique Taylor: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section before the heading "Offences":

"Family Navigators

"Family navigators

"65.1(1) The minister shall appoint individuals to act as family navigators who shall assist the extended family of children receiving services under this act, in a manner that promotes the paramount purpose and additional purposes of this act as set out in section 1, by,

"(a) assisting members of the child's extended family in understanding a service provider's policies and procedures and any complaints procedure or right of review available to the individual under this act;

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"(b) referring members of the child's extended family to other individuals, services or organizations that may be able to assist them with respect to services under this act, including to obtain legal advice or representation; and

"(c) providing any further assistance as may be prescribed.

"(2) The minister shall not appoint an individual to act as a family navigator if the individual has a personal or pecuniary interest in connection with a service provider or a lead agency that would interfere with the individual's ability to perform the responsibilities set out in subsection (1)."

This is something that is necessary for families, to be able to navigate a system that is very cumbersome. We've heard from many families who are devastated and in distress. They're constantly calling for help. Legal advice is very expensive and, quite frankly, a lot of these families who are entering these systems just don't have those extra dollars.

A family navigator is someone who can assist somebody with proper procedures and policies, and give some advice and put them in the right places; for example, how to go to the child and family services board—but you can't do that before you go to the community board, and the child advocate has some responsibilities. All of it is so much when a family is in distress. Giving them someone who can walk them through the system and just be there for them is really important, and it was something that we heard very clearly through the deputations.

I hope that the government sees this as a good solution to supporting families.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 98.1? If not, we'll proceed to the vote—

Miss Monique Taylor: Recorded vote.

The Chair (Mr. Shafiq Qaadri): Recorded vote.

Ayes

Taylor.

Nays

Berardinetti, Colle, Kiwala, Potts.

The Chair (Mr. Shafiq Qaadri): NDP motion 98.1 falls.

Government motion 99.

Ms. Sophie Kiwala: I move that subsection 66(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following clause:

“(a.1) contravenes section 56 (reports and information to prescribed entities);”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 99? We'll proceed to the vote. Those in favour of government motion 99? Those opposed? Motion 99 carries.

Shall section 66, as amended, carry? Carried.

Shall section 67 carry? Carried.

Government motion 100.

Ms. Sophie Kiwala: I move that clause 68(b) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “the entities” and substituting “the persons or entities”.

The Chair (Mr. Shafiq Qaadri): Comments on government motion 100? Seeing none, we'll proceed to the vote. Those in favour of government motion 100? Those opposed? Government motion 100 carries.

Like cricket—as I believe staff wanted to be kept informed—we've now crossed a century.

Shall section 68, as amended, carry? Carried.

Shall section 69 carry? Carried.

Shall section 70 carry? Carried.

Government motion 101.

Ms. Sophie Kiwala: I move that section 71 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Consultation with bands and First Nations, Inuit or Métis communities

“71. A society, person or entity that provides services or exercises powers under this act with respect to First Nations, Inuit or Métis children or young persons shall regularly consult with their bands and First Nations, Inuit or Métis communities about the provision of the services or the exercise of the powers and about matters affecting the children or young persons, including,”

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 101? We'll proceed to the vote. Those in favour of government motion 101? Opposed? Motion 101 carries.

Motion 102.

Ms. Sophie Kiwala: I move that clause 71(a) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“(a) bringing children to a place of safety and the placement of children in residential care;”

The Chair (Mr. Shafiq Qaadri): Ms. Martow?

Mrs. Gila Martow: We're getting into a part of the bill where we're going to start correcting a lot of terminology that the youth and the youth who aged out of care said they didn't want to see in the bill, the government was told, but it ended up being in there anyhow. I think they've been saying for a long time that they don't want to see words like “apprehend,” “apprehended,” “apprehension,” “apprehending”—

Miss Monique Taylor: “Custody.”

Mrs. Gila Martow: —“custody”—because they're not taken into care because they're being charged with a crime or investigated for a crime; they're being taken into care because they're being taken from an unsafe environment into what is supposed to be a safer and more fulfilling environment. It's unfortunate that we're going to have to spend a bit of time on this but, of course, I think all of us here in the room support updating this unfortunate terminology.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 102? If not, we'll proceed, then, to the vote. Those in favour of government motion 102? Those opposed? Motion 102 carries.

Shall section 71, as amended, carry? Carried.

Government motion 103.

Ms. Sophie Kiwala: I move that section 72 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Consultation in specified cases

“72. A society, person or entity that proposes to provide a prescribed service to a First Nations, Inuk or

Métis child or young person, or to exercise a prescribed power under this act in relation to such a child or young person, shall consult with a representative chosen by each of the child's or young person's bands and First Nations, Inuit or Métis communities in accordance with the regulations."

The Chair (Mr. Shafiq Qaadri): Further comments on 103? Ms. Martow?

Mrs. Gila Martow: This is also starting to reflect the fact that one of the main purposes of the bill is to raise the age of care, optionally, to 16- and 17-year-olds, who obviously don't consider themselves children—I don't think most of us consider them, exactly, as children. You would think that somewhere down the line, whether it's in the ministry or somebody elected to office, someone would notice that it's saying "child" and should say "young person" or "youth" or things like that. We are going to have to, all of us, agree to support all of those amendments quickly, without discussion. I admit it, but it's unfortunate, again.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 103? If not, we'll proceed, then, to the vote.

Those in favour of government motion 103? Those opposed? Government motion 103 carries.

Shall section 72, as amended, carry? Carried.

NDP motion 104.

Miss Monique Taylor: I move that the definition of "child protection worker" in subsection 73(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "and for other prescribed purposes".

This currently wasn't in the previous CFSA, and we're not sure what's meant by it, so we would like clarification.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 104? If none, we'll proceed to the vote on NDP motion 104.

Those in favour of NDP motion 104? Opposed? Motion 104 falls.

PC motion 105: Ms. Martow.

Mrs. Gila Martow: All right, I'm going to have to work today.

I move that clause 73(2)(c) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding "including by child pornography" after "sexually exploited".

Basically, this amendment to the bill is to address the Child Pornography Reporting Act, 2008, Bill 37. Our concern is the omission of the proposed amendments in the original act related to child pornography, which is summarized in the Child Pornography Reporting Act. The definition of child pornography, its inclusion in the criteria for a child in need of protection, duty to report and penalties associated with failure to report are of paramount importance to protect Ontario's children and youth. Excluding these very important changes is a step backward for the protection of children and youth.

This is especially concerning given that child pornography-related offences have increased over the past five years. I think we all agree that any type of sexual exploitation of a child should not be tolerated and that we should do everything we can as legislators to protect the most vulnerable children and youth from abuse. I'm sure that we all agree that sexual exploitation by child pornography should be included in the criteria for determining whether a child is in need of protection, and to be clear.

1710

Do you know what? Part of legislation is not just to have laws so that we can punish people or enforce the laws, but it's also to send a message and to remind child and youth workers and the public it would be nice if, instead of—as the member from the NDP said, "Nobody wants to read this bill unless they're forced to." If there was some kind of summary of the mandate of the bill reminding child care workers to feel comfortable to ask a child, "Has somebody been taking"—they know that the child is being bathed. "Are any of the workers taking pictures of you, or are the other youth in care taking pictures of you, when you're being bathed?"

Children don't always know what's appropriate and not appropriate. It behooves us to remind the child care workers to look a little deeper and maybe ask some of those tough questions.

The Chair (Mr. Shafiq Qaadri): Further comments? Ms. Kiwala.

Ms. Sophie Kiwala: It's absolutely clear that the safety of children is critical and a priority for this government. That's why the Child, Youth and Family Services Act already covers the harms associated with child pornography through existing grounds for protection.

That said, I do want to thank the member for bringing attention to the issue. But the grounds for protection in the Child, Youth and Family Services Act, 2016 is already protected—it protects children contemplated under the Child Pornography Reporting Act.

The Chair (Mr. Shafiq Qaadri): Further comments on PC motion 105? Ms. Martow.

Mrs. Gila Martow: I'll just say very quickly that there might be laws and they might be protected and if somebody reports, then investigators can show up or charges can be laid, but we need to do more as a society to empower especially the kids in care to recognize when they're in danger, because they might not recognize it themselves.

The Chair (Mr. Shafiq Qaadri): We'll proceed, then, to the vote on PC motion 105. All in favour of PC motion 105? Those opposed? PC 105 falls.

PC motion 106: Ms. Martow.

Mrs. Gila Martow: I move that clause 73(2)(f) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"(f) the child has suffered emotional harm;"

It's just to provide the interpretation of a child in need of protection and our corresponding duty to report other

types of abuse. Physical harm and sexual abuse, for example, are simplistically stated as conditions where a child is in need of protection. However, as we heard from witnesses like Boost, “When it comes to emotional harm, it is the only type of reportable abuse where a list of symptoms serves as a qualifying pre-condition to reporting and protection.”

Also, the list of symptoms—for example, anxiety, depression, aggression etc.—is limited and can be misleading. “This view of emotional harm is not trauma-informed, and does not take into account the many other ways that children and youth can be impacted” by this type of abuse. “Trauma symptoms may not always be clearly observable, particularly when a person is not trained to identify the indicators through a developmental lens. There is a wide array of possible impacts that can manifest at differing developmental stages in a child.” Relying on the highly subjective opinion of someone who’s likely not clinically trained can be unrealistic and unethical.

“In addition to this unhelpful set of qualifying indicators is the requirement that these demonstrated behaviours be serious. Given that the word ‘serious’ is not defined, it leaves it open to subjective interpretation.

“Additionally, a child or youth who does not currently exhibit symptoms may still be impacted by the emotional harm. The presentation of symptoms may be delayed, especially if the child’s expression of symptoms may put them at greater risk of further harm by the caregiver. In these situations, children cope with their inescapable and intolerable environments by adapting in very complex ways.” For example, a child might present as highly compliant or engage in perfectionism as a way to prevent further harm.

“Emotional harm is the only type of abuse that has a severity rating attached to the duty to report.”

This amendment follows the suggestion from Boost to remove this rating. I would just remind everybody here of how many youth in care end up in our criminal justice system or end up abusing drugs. I think that a lot of times, we’re looking for bruises and physical harm. The emotional harm, we know, can be a little bit harder to find and actually far more devastating in many instances.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala.

Ms. Sophie Kiwala: The concern around this particular amendment is how broad it is. It’s important here that we put some parameters around the definition so that child protection workers, the professionals who work with children, even those who might be using this bill within the justice system, have something to work with. Emotional harm can be incredibly difficult to recognize, so we want to ensure that we’re giving a definition that is workable.

The Chair (Mr. Shafiq Qaadri): Further comments on PC motion 106? If not, we’ll proceed, then, to the vote. Those in favour of PC motion 106? Those opposed? Motion 106 falls.

PC motion 107.

Mrs. Gila Martow: I move that clause 73(2)(g) of the Child, Youth and Family Services Act, 2016, as set out in

schedule 1 to the bill, be amended by striking out “subclause (f)(i), (ii), (iii), (iv) or (v)” and substituting “clause (f)”.

This is consequential to the change to 73(2)(f). I think that, again, we’re just looking to strengthen the bill.

The Chair (Mr. Shafiq Qaadri): Any further comments on PC motion 107? Seeing none, we’ll proceed to the vote. Those in favour of PC motion 107? Those opposed? PC motion 107 falls.

PC motion 108.

Mrs. Gila Martow: I move that clause 73(2)(h) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “subclause (f)(i), (ii), (iii), (iv) or (v)” and substituting “clause (f)”.

Again, this is just to address the consequential changes to 73(2)(f).

The Chair (Mr. Shafiq Qaadri): Any further comments on PC motion 108? Seeing none, we’ll proceed to the vote. Those in favour of PC motion 108? Those opposed? PC motion 108 falls.

PC motion 109.

Mrs. Gila Martow: Sorry to be a bit repetitive, but—I move that clause 73(2)(i) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “subclause (f)(i), (ii), (iii), (iv) or (v)” and substituting “clause (f)”.

Again, this is consequential to the change to 73(2)(f).

The Chair (Mr. Shafiq Qaadri): Any further comments on PC motion 109? If not, we’ll proceed to the vote. Those in favour of PC motion 109? Those opposed? PC motion 109 falls.

PC motion 110: Ms. Martow.

Mrs. Gila Martow: I move that subsection 73(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following clause:

“(i.1) the child has been exposed to family violence or severe domestic disharmony;”

Basically, this amendment is to address the exposure to domestic family violence. It makes it clear that it must be reported so that children and families receive assistance where needed. There are many jurisdictions in Canada that specify exposure to family violence, domestic violence or severe domestic disharmony as a factor of physical or emotional harm. While exposure to family violence should be reported to a child protection agency in Ontario, it is not specifically identified in Bill 89 as a factor for a child in need of protection, but rather an interpretation of the duty to report.

Unless training is provided, most people in Ontario do not realize that family violence should be reported. The Ontario Incidence Study of Reported Child Abuse and Neglect–2013 reported that 49% of substantiated child maltreatment investigations included exposure to family violence.

I think the point is that the child might just be a witness to family violence. It could be that the violence is directed at a sibling or one parent to another parent or

something like that, but to recognize it even if the child isn't experiencing direct physical or emotional trauma, that just witnessing the physical or emotional trauma of a family member or somebody in the household takes its toll.

The Chair (Mr. Shafiq Qaadri): Comments on PC motion 110? Ms. Kiwala.

Ms. Sophie Kiwala: The current definition of a child in need of protection already includes exposure to domestic violence.

1720

The Chair (Mr. Shafiq Qaadri): Miss Taylor, did you want to say something?

Miss Monique Taylor: No.

The Chair (Mr. Shafiq Qaadri): Okay, we'll proceed, then, to the vote. All those in favour of PC motion 110? Those opposed? PC motion 110 falls.

NDP motion 111.

Miss Monique Taylor: I move that clauses 73(2)(n) and (o) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"(n) the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, if the child is capable, with the child's consent, to be dealt with under this part; or

"(o) the child is 16 or 17, a prescribed circumstance or condition exists and, if the child is capable, the child consents to be dealt with under this part."

This was brought forward by the child advocate. It changes the language from "12 or older" to "capable."

The Chair (Mr. Shafiq Qaadri): Just for my colleagues, you neither have to specify quotes or brackets, just the letter.

Any further comments on NDP motion 111?

Mrs. Gila Martow: Now you tell us. That's funny, because in the first committee I was ever on, they told me that I had to.

The Chair (Mr. Shafiq Qaadri): This committee knows better.

Any further comments on NDP motion 111? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 111? Those opposed? NDP motion 111 falls.

Government motion 112.

Ms. Sophie Kiwala: I move that clause 73(2)(n) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "to be dealt with under this part" at the end and substituting "for the matter to be dealt with under this part".

The Chair (Mr. Shafiq Qaadri): That was well read, Ms. Kiwala. Any further comments on government motion 112? Any further comments? Seeing none, we'll proceed to the vote. Those in favour of government motion 112? Those opposed? Government motion 112 carries.

NDP motion 113.

Miss Monique Taylor: I move that section 73 of the Child, Youth and Family Services Act, 2016, as set out in

schedule 1 to the bill, be amended by adding the following subsections:

"Consent of the child

"(2.1) A consent described in clause 73(2)(n) must be given by the child and not by counsel on behalf of the child.

"Exception, 16 or older

"(2.2) Despite the definition of 'child' in subsection 2(1), a child that is 16 or older shall not be considered a child in need of protection for the purposes of clauses (2)(a) to (k) unless the child has consented to be dealt with under this part.

"Same

"(2.3) Subsection (2.2) does not apply if the child is not capable to give consent.

"Capacity

"(2.4) In clauses (2)(n) and (o) and subsection (2.3),

"'capable' means, in relation to giving consent, able to understand and appreciate the nature of the consent and the consequences of giving or withholding it."

This provides consent to the protection for 16- and 17-year-olds and also refers to "capable" in the clause.

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor. Also very well read.

NDP motion 113: further comments?

We'll proceed, then, to the vote. Those in favour of NDP motion 113? Those opposed? NDP motion 113 falls.

Government motion 114.

Ms. Sophie Kiwala: I move that subsections 73(3) and (4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Best interests of child

"(3) Where a person is directed in this part to make an order or determination in the best interests of a child, the person shall,

"(a) consider the child's views and wishes, given due weight in accordance with the child's age and maturity, unless they cannot be ascertained;

"(b) in the case of a First Nations, Inuk or Métis child, consider the importance, in recognition of the uniqueness of First Nations, Inuit and Métis cultures, heritages and traditions, of preserving the child's cultural identity and connection to community, in addition to the considerations under clauses (a) and (c); and

"(c) consider any other circumstance of the case that the person considers relevant, including,

"(i) the child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs,

"(ii) the child's physical, mental and emotional level of development,

"(iii) the child's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression,

"(iv) the child's cultural and linguistic heritage,

“(v) the importance for the child’s development of a positive relationship with a parent and a secure place as a member of a family,

“(vi) the child’s relationships and emotional ties to a parent, sibling, relative, other member of the child’s extended family or member of the child’s community,

“(vii) the importance of continuity in the child’s care and the possible effect on the child of disruption of that continuity,

“(viii) the merits of a plan for the child’s care proposed by a society, including a proposal that the child be placed for adoption or adopted, compared with the merits of the child remaining with or returning to a parent,

“(ix) the effects on the child of delay in the disposition of the case,

“(x) the risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent, and

“(xi) the degree of risk, if any, that justified the finding that the child is in need of protection.”

The Chair (Mr. Shafiq Qaadri): Government motion 114: Miss Taylor.

Miss Monique Taylor: I think it’s unfortunate that they missed adding “religion” with “creed” in this section, because we know that it just lights a fire under some families. I don’t know if you can make friendly amendments to these kinds of motions, but that would be one.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 114? Seeing none, we’ll proceed to the vote. Those in favour of government motion 114? Those opposed? Government motion 114 carries.

Government motion 115.

Ms. Sophie Kiwala: I move that clause 73(5)(b) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“(b) a society or, in the case of a First Nations, Inuk or Métis child, a society or a child and family service authority, has conducted an assessment of the person’s home in accordance with the prescribed procedures and is satisfied that the person is willing and able to provide a safe home environment for the child.”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 115? Ms. Martow.

Mrs. Gila Martow: I’m just wondering if the government could explain what the difference is between this and the original. I didn’t find anything when I looked at it, but maybe I was tired from all of these amendments.

The Chair (Mr. Shafiq Qaadri): Are there any further comments, replies, questions? Ms. Martow.

Mrs. Gila Martow: If the government can’t explain what the difference is, perhaps their legal counsel can tell me what the difference is. We struck out one section and we put in a new section, and I didn’t quite catch what the difference was.

Interjection.

Mrs. Gila Martow: I thought it was. I looked at it twice.

The Chair (Mr. Shafiq Qaadri): Mr. Potts.

Mr. Arthur Potts: It simply clarifies that, in the case of a First Nations, Inuit or Métis association, it could be a family association—a family service authority. It’s just a clarification.

Mrs. Gila Martow: So it didn’t have “family service authority” in the original? I thought it did. I don’t see a difference in the wording. Maybe there was supposed to be a difference and it didn’t get put in.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala.

Ms. Sophie Kiwala: I think we should proceed to vote on the material that is here within motion 115. It’s an amendment that clarifies that either a society or a child and family service authority can conduct the assessment.

The Chair (Mr. Shafiq Qaadri): Ms. Martow.

Mrs. Gila Martow: I don’t see a difference. The government is not able to tell me what the difference is, so could legal counsel please tell us what the difference is between this paragraph and the original bill?

The Chair (Mr. Shafiq Qaadri): Miss Taylor.

Miss Monique Taylor: I think “a child” has been removed—after “Métis child,” “a child.” And then it says “and family service authority.” They removed “a child” from the equation. Brilliant.

The Chair (Mr. Shafiq Qaadri): You know the drill; go ahead.

Ms. Estée Garfin: Estée Garfin, counsel.

The clarification is to specify that, in the case of a First Nations, Inuk or Métis child, either a children’s aid society or a child and family service authority may conduct the place-of-safety assessment.

Mrs. Gila Martow: Before you read the explanation—I’m looking at the bill, and I’m tired, and I’m just not seeing the actual difference between the original and this.

Ms. Estée Garfin: After the first reference to “First Nations, Inuk or Métis child,” the words, “a society or,” have been added.

Miss Monique Taylor: No. I see the exact same until it removes “a child.” After “Inuk or Métis child,” “a child” has been removed—page 63. Gila, “a child” has been removed.

1730

Mrs. Gila Martow: It didn’t make sense to me.

Miss Monique Taylor: It doesn’t to me either, and I want to know why “child” was removed.

Ms. Estée Garfin: The word “child” remains in the motion.

The Chair (Mr. Shafiq Qaadri): Apparently our sleuthing has revealed that after the words “Métis child,” three words have been added: “a society or.” Correct?

Ms. Estée Garfin: That’s correct.

Miss Monique Taylor: Let’s just keep going.

The Chair (Mr. Shafiq Qaadri): Fine. Any further comments on government motion 115? If not, we’ll proceed to the vote.

Those in favour of government motion 115? Those opposed? Government motion 115 carries.

Shall section 73, as amended, carry? Carried.

Shall section 74 carry? Carried.

Government motion 116: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 75(3) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:

“(c) where the child is 16 or 17 and the criteria set out in clauses 76(1)(a), (b), (c) and (d) are met, make a written agreement with the child under subsection 76(1).”

The Chair (Mr. Shafiq Qaadri): Comments, government motion 116? Ms. Martow.

Mrs. Gila Martow: This is a new addition, is my understanding, to reflect the true consent of 16- and 17-year-olds to put themselves in care. They have to give written consent, and I just feel that we’re quite behind the times since we’re doing this whole electronic data collection system.

I don’t want it to be that a social worker found somebody in an unsafe position, possibly in human trafficking, and they didn’t have the right form for them to sign or they didn’t have a pen, and so they said, “Well, we’ll come back tomorrow.” Well, by then they’ve been moved to another jurisdiction and they’re not around anymore.

We all have smartphones and phones of all kinds, and it sure would be nice if they could just videotape. I think that would be stronger—a videotape of the child actually saying that they want to go into care. With a signature, they could say, “I didn’t sign that,” or, “That wasn’t me.” It’s very unfortunate that CPIN does not allow for the uploading of some kind of videos, and that we’re just not looking at what the technology is now, let alone what the technology is going to be in the future.

But of course, we’re going to be supporting this.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 116? If not, we’ll proceed to the vote. Those in favour of government motion 116? Those opposed? Motion 116 carries.

Government motion 117.

Ms. Sophie Kiwala: I move that subsection 75(4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:

“(c) where the child is 16 or 17 and the criteria set out in clauses 76(1)(a), (b), (c) and (d) are met, make a written agreement with the child under subsection 76(1).”

The Chair (Mr. Shafiq Qaadri): Any comments on government motion 117? If not, we’ll proceed to the vote. Those in favour of government motion 117? Those opposed? Government motion 117 carries.

Shall section 75, as amended, carry? Carried.

Government motion 118.

Ms. Sophie Kiwala: I move that subsection 76(6) of the Child, Youth and Family Services Act, 2016, as set

out in schedule 1 to the bill, be amended by striking out “may not be made” and substituting “may not come into force”.

The Chair (Mr. Shafiq Qaadri): Comments on government motion 118? If not, we’ll proceed to the vote. Those in favour of government motion 118? Opposed? Carried.

Shall section 76, as amended, carry? Carried.

Shall section 77 carry? Carried.

NDP motion 119: Miss Taylor.

Miss Monique Taylor: I move that subsection 78(5) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Child younger than 12

“(5) The court shall order that a child, who is the subject of a proceeding under this part and younger than 12, receive notice of the proceeding and permit the child to be present at the hearing unless the court is of the opinion that the child,

“(a) is not capable of understanding the hearing; or

“(b) will suffer emotional harm by being present at the hearing.”

This wording was a recommendation of the advocate. They are entitled, unless they’re shown that they shouldn’t be—unless it goes to the opposite default; right? This is just protection for youth, saying that they will be entitled, instead of not be entitled.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 119? Ms. Martow.

Mrs. Gila Martow: I think that she actually tried to explain that quite well, because what I wrote is: “A child younger than 12 who is involved in the procedure will receive”—instead of “not receive”—“if they are capable of understanding and will not suffer emotional harm by being present.” The government had it written the complete reverse. This reverses and puts a better focus. The outcome is kind of similar, but this puts the focus, I think, where the focus needs to be.

The Chair (Mr. Shafiq Qaadri): Further comments? Let’s proceed to the vote. Those in favour of NDP motion 119? Those in favour of NDP motion 119, if any? All opposed? NDP motion 119 falls.

Shall section 78 carry? Carried.

Government motion 120.

Ms. Sophie Kiwala: I move that clause 79(b) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“(b) cannot remain in or be returned to the care and custody of the person who had charge of the child immediately before intervention under this part or, where there is an order for the child’s custody that is enforceable in Ontario, of the person entitled to custody under the order; and”

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 120? Ms. Martow?

Mrs. Gila Martow: I just want to comment that this is only dealing with pursuing a plan of care for indigenous

communities and that the children's aid societies should make reasonable efforts to pursue a plan if the child needs and "where there is an order for the child's custody that is enforceable in Ontario." This is new and allows a child custody order to trump whatever the children's aid society decides. The complex world is—that's what concerns me. Jordan's Principle was that we had two ministries battling it out and a kid gets caught in the middle. I wouldn't want to see—a special focus on indigenous communities and respecting their culture versus children's aid societies; I know we're trying to have their own children's aid societies and then court orders mixed in with that.

I hope that it's all going to be quite clear when this bill is all done.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 120? If none, we'll proceed to the vote. Those in favour of government motion 120? Those opposed? Government motion 120 carries.

Shall section 79, as amended, carry? Carried.
Government motion 121.

Ms. Sophie Kiwala: I move that the English version of subsection 80(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following clause:

"(0.a) the child is younger than 16;"

The Chair (Mr. Shafiq Qaadri): Any further comments? Yes, Ms. Martow?

Mrs. Gila Martow: This is just to reaffirm that 16- and 17-year-olds who go into care do so on a voluntary basis. Everybody, I think, was on that page before this bill was even being written, so I don't know why it got missed and that we had to make that clear that for children under 16, it's not voluntary, and over 16 it is voluntary.

But, of course, we all agree that it should be on a voluntary basis, for 16- and 17-year-olds.

The Chair (Mr. Shafiq Qaadri): Further comments? We'll proceed, then, to the vote. Those in favour of government motion 121? Those opposed? Motion 121 carries.

Government motion 122.

1740

Ms. Sophie Kiwala: I move that the French version of subsection 80(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

« Mandat d'amener un enfant

«(2) Un juge de paix peut décerner un mandat autorisant un préposé à la protection de l'enfance à amener un enfant dans un lieu sûr s'il est convaincu, à la suite d'une dénonciation faite sous serment par un préposé à la protection de l'enfance, qu'il existe des motifs raisonnables et probables de croire ce qui suit:

« 0.a) l'enfant a moins de 16 ans;

« a) l'enfant a besoin de protection;

« b) aucun autre plan d'action moins instructif ou susceptible de protéger convenablement l'enfant n'est disponible. »

Le Président (M. Shafiq Qaadri): Merci beaucoup, madame Kiwala, pour vos efforts vaillants, mais s'il vous plaît, il faut relire la dernière phrase, (2)(b). Encore une fois, s'il vous plaît. You need to repeat the last line.

M^{me} Sophie Kiwala: La dernière ligne?

Le Président (M. Shafiq Qaadri): Oui.

M^{me} Sophie Kiwala: So « de protéger convenablement ... »

The Chair (Mr. Shafiq Qaadri): No, sorry. It's (2)(b) we're talking about.

M^{me} Gila Martow: « Aucun autre plan d'action ... »

Le Président (M. Shafiq Qaadri): Oui.

M^{me} Sophie Kiwala: Pardon?

The Chair (Mr. Shafiq Qaadri): The very last line of the whole thing.

M^{me} Sophie Kiwala: Oh, les deux lignes.

« b) aucun autre plan d'action moins restrictif ou susceptible de protéger convenablement l'enfant n'est disponible. »

Le Président (M. Shafiq Qaadri): Je pense que vous êtes officiellement bilingue. Merci beaucoup.

Des commentaires et questions sur la motion du gouvernement 122? Madame Martow.

Mrs. Gila Martow: Part of this is the same as government amendment 121, so I'm not really sure why it's repeating itself. Then part of it's in French. I'm not really sure why. Normally, if an amendment goes through in English, then it's the same in French. Why is there this specific—

The Chair (Mr. Shafiq Qaadri): There is some legal counsel thing happening. Go ahead.

Ms. Catherine Oh: I can explain. Slightly different changes were required to the French version, just because the French version used to say something like "on the one hand" and "on the other hand," so further changes were needed to that. It was just decided to do it in separate motions to make it clearer.

Mrs. Gila Martow: To do it separately and to—okay. If you say so.

Le Président (M. Shafiq Qaadri): Vive la différence.

Any comments on government motion 122? If not, we'll proceed to the vote. Those in favour of government motion 122? Those against government motion 122? It carries.

Government motion 123.

Ms. Sophie Kiwala: I move that clause 80(4)(a) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"(a) a child is in need of protection, the matter has been reported to the society, the society has not made an application under subsection (1), and no child protection worker has sought a warrant under subsection (2) or brought the child to a place of safety under subsection (7); and"

The Chair (Mr. Shafiq Qaadri): Any further comments on 123? If not, on peut procéder avec le vote. Those in favour of government motion 123? Those opposed? Government motion 123 carries.

Government motion 124.

Ms. Sophie Kiwala: I move that the English version of subsection 80(7) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “and” at the end of clause (a) and by adding the following clause:

“(a.1) the child is younger than 16; and”

The Chair (Mr. Shafiq Qaadri): Comments? We’ll proceed to the vote. Those in favour of government motion 124? Those opposed? Government motion 124 carries.

Government motion 125.

Ms. Sophie Kiwala: I move that the French version of subsection 80(7) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

« Appréhension de l’enfant sans mandat

« (7) Le préposé à la protection de l’enfance peut, sans mandat, amener un enfant dans un lieu sûr s’il croit, en se fondant sur des motifs raisonnables et probables, ce qui suit:

« a) l’enfant a besoin de protection;

« 0.a) l’enfant a moins de 16 ans;

« b) la santé ou la sécurité de l’enfant risquerait vraisemblablement »—désolée—« d’être compromise pendant le laps de temps nécessaire à l’obtention d’une audience en vertu du paragraphe 87(1) ou du mandat prévu au paragraphe (2). »

The Chair (Mr. Shafiq Qaadri): Although I have to ask you to read some part of that again, you will be pleased to know it is—

Ms. Sophie Kiwala: Not that word.

The Chair (Mr. Shafiq Qaadri): Not that last line, which actually does seem quite intimidating, I agree. It’s (a.1), the second-last line: « l’enfant a moins de 16 ans; »

Ms. Sophie Kiwala: Is it (0.a)?

The Chair (Mr. Shafiq Qaadri): It’s not a zero. That’s actually the issue. It’s (a.1).

Ms. Sophie Kiwala: It’s (a.1)? Okay.

The Chair (Mr. Shafiq Qaadri): Is it not? Is it written differently on your file?

Ms. Sophie Kiwala: I’ve got (0.a).

The Chair (Mr. Shafiq Qaadri): Oh. Well, we all have (a.1).

M^{me} Gila Martow: « L’enfant a moins de 16 ans », just say that.

The Chair (Mr. Shafiq Qaadri): I think there are House leader staff whose last names begin with A, so they’re probably partial to As.

M^{me} Sophie Kiwala: « a.1) l’enfant a moins de 16 ans; »

Le Président (M. Shafiq Qaadri): Merci beaucoup.

M^{me} Sophie Kiwala: Avec plaisir.

Le Président (M. Shafiq Qaadri): Sans doute.

All right. Any comments on government motion 125? If not, we’ll proceed to the vote. Those in favour of government motion 125? Those opposed? Motion 125 carries.

Shall section 80, as amended, carry? Carried.

Government motion 126.

Ms. Sophie Kiwala: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section:

“Exception, 16- and 17-year-olds brought to place of safety with consent

“80.1(1) A child protection worker may bring a child who is 16 or 17 and who is subject to a temporary or final supervision order to a place of safety if the child consents.

“Temporary or final supervision order

“(2) In this section,

“‘temporary or final supervision order’ means an order under clause 91(2)(b) or (c), paragraph 1 or 4 of subsection 98(1), subsection 110(8) or 112(10) or clause 113(1)(a).”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 126? If not, we’ll proceed to the vote. Those in favour of government motion 126? Those opposed? The motion carries.

Government motion 127.

Ms. Sophie Kiwala: I move that clause 81(1)(a) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out the portion before subclause (i) and substituting the following:

“(a) the child is actually or apparently younger than 16, and”

The Chair (Mr. Shafiq Qaadri): Miss Taylor?

Miss Monique Taylor: How is a child “actually or apparently” any age? I’m just curious for clarification of what that means. Either they are or they aren’t. What does “actually or apparently” mean?

The Chair (Mr. Shafiq Qaadri): Ms. Martow?

Mrs. Gila Martow: I’m going to say something, since the government doesn’t seem to respond to our questions. I think it’s if a child and youth worker sees a girl who might be trafficked. If she’s in makeup, she’s in heels, at first glance she might appear to be older than 16, but somebody who’s trained could tell that she’s far younger than 16, possibly 14 or 15, and then would want to investigate a little bit further. You don’t always know. They don’t have it stamped on their forehead how old they are, but they can be—you know.

Miss Monique Taylor: I just wanted context.

Mrs. Gila Martow: Yes.

The Chair (Mr. Shafiq Qaadri): Are there any further questions or comments? We’re clear on that? Miss Taylor?

Miss Monique Taylor: Yes.

The Chair (Mr. Shafiq Qaadri): Fine. We’ll proceed to the vote on government motion 127. Those in favour? Those opposed? Motion 127 carries.

Government motion 128.

Ms. Sophie Kiwala: I move that clause 81(4)(a) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out the portion before subclause (i) and substituting the following:

“(a) the child is actually or apparently younger than 16, and”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 128? If none, we'll proceed to the vote. Those in favour of government motion 128? Those opposed? Motion 128 carries.

Shall section 81, as amended, carry? Carried.

Government motion 129.

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Ms. Sophie Kiwala: I move that subsection 82(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Bringing child younger than 12 home or to place of safety

“(1) A peace officer who believes on reasonable and probable grounds that a child actually or apparently younger than 12 has committed an act in respect of which a person 12 or older could be found guilty of an offence may bring the child to a place of safety without a warrant and on doing so,

“(a) shall return the child to the child's parent or other person having charge of the child as soon as practicable; or

“(b) where it is not possible to return the child to the parent or other person within a reasonable time, shall bring the child to a place of safety until the child can be returned to the parent or other person.”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 129? If not, we'll proceed to the vote.

Those in favour of government motion 129? Opposed? Government motion 129 carries.

Government motion 130.

Ms. Sophie Kiwala: I move that subsection 82(3) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Where child not returned to parent, etc., within 12 hours

“(3) Where a child brought to a place of safety under subsection (1) cannot be returned to the child's parent or other person having charge of the child within 12 hours of being brought to the place of safety, the child is deemed to have been brought to a place of safety under subsection 80(7) and not under subsection (1).”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 130? If not, we'll proceed to the vote. Those in favour of government motion 130? Opposed? Government motion 130 carries.

Shall section 82, as amended, carry? Carried.

Government motion 131.

Ms. Sophie Kiwala: I move that subsections 83(1), (2), (3), (4) and (7) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Children who withdraw from parent's care

“Warrant to bring child to a place of safety

“(1) A justice of the peace may issue a warrant authorizing a peace officer or child protection worker to

bring a child to a place of safety if the justice of the peace is satisfied on the basis of the sworn information of a person that,

“(a) the child is younger than 16;

“(b) the child has withdrawn from the person's care and control without the person's consent; and

“(c) the person believes on reasonable and probable grounds that the child's health or safety may be at risk if the child is not brought to a place of safety.

“Child to be returned or brought to a place of safety

“(2) A person acting under a warrant issued under subsection (1) shall return the child to the person with care and control of the child as soon as practicable and where it is not possible to return the child to that person within a reasonable time, bring the child to a place of safety.

“Notice to person with care, custody or control

“(3) The person in charge of a place of safety to which a child is brought under subsection (2) shall make reasonable efforts to notify the person with care and control of the child that the child is in the place of safety so that the child may be returned to that person.

“Where child not returned within 12 hours

“(4) Where a child brought to a place of safety under subsection (2) cannot be returned to the person with care and control of the child within 12 hours of being brought to the place of safety, the child is deemed to have been brought to a place of safety under subsection 80(2) and not under subsection (1).

“Child protection proceedings

“(7) Where a peace officer or child protection worker believes on reasonable and probable grounds that a child brought to a place of safety under this section is in need of protection and there may be a substantial risk to the health or safety of the child if the child were returned to the person with care and control of the child,

“(a) the peace officer or child protection worker may bring the child to a place of safety under subsection 80(7); or

“(b) where the child has been brought to a place of safety under subsection (4), the child is deemed to have been brought there under subsection 80(7).”

The Chair (Mr. Shafiq Qaadri): Comments on government motion 131? There being none, we will proceed to the vote. Those in favour of government motion 131? Those opposed? Government motion 131 carries.

Shall section 83, as amended, carry? Carried.

Government motion 132.

Ms. Sophie Kiwala: I move that subsection 84(5) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Consent to examine child

“(5) Where subsection 82(3) or 83(4) applies to a child brought to a place of safety, a child protection worker may authorize the child's medical examination where a parent's consent would be otherwise required.”

The Chair (Mr. Shafiq Qaadri): Comments? Ms. Martow.

Mrs. Gila Martow: I'm just not clear what this really changes, because there wasn't anything that significant. What was the purpose of whatever changes were made?

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala.

Ms. Sophie Kiwala: The amendment replaces "deals with a child" with "applies to a child" and replaces "taken" with "brought."

Mrs. Gila Martow: Okay. If you feel that makes a difference, it's okay with me.

Mr. Arthur Potts: It's not just us.

The Chair (Mr. Shafiq Qaadri): We'll proceed, then, to the vote. Those in favour of government motion 132? Those opposed? Motion 132 carries.

Shall section 84, as amended, carry? Carried.

Shall section 85 carry? Carried.

Government motion 133.

Ms. Sophie Kiwala: I move that section 86 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding "subclause 81(1)(a)(ii)" after "section 80" in the portion before clause (a).

The Chair (Mr. Shafiq Qaadri): Comments? If none, we'll proceed to the vote. Those in favour of government motion 133? Opposed? Government motion 133 carries.

Shall section 86, as amended, carry? Carried.

Government motion 134.

Ms. Sophie Kiwala: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section:

"Time in place of safety limited, 16- or 17-year old

"86.1 As soon as practicable, but in any event within five days after a child who is 16 or 17 is brought to a place of safety with the child's consent under section 80.1,

"(a) the matter shall be brought before a court for a hearing under subsection 87(1); or

"(b) the child shall be returned to the person entitled to custody of the child under an order made under this part."

The Chair (Mr. Shafiq Qaadri): Comments on motion 134? Ms. Martow.

Mrs. Gila Martow: My understanding is that this allows for increased flexibility for the new cohort of 16- and 17-year-olds who choose to come into care. The big announcements from the minister and from the ministry that they were having meetings on the weekends and consulting with the youth who had been in care and had aged out and all their recommendations—this is the crux of what we were supposed to be seeing in the original bill. I'm just putting that on the record.

The Chair (Mr. Shafiq Qaadri): Further comments to government motion 134? Seeing none, we'll proceed to the vote. Those in favour of government motion 134? Opposed? Government motion 134 carries.

Mr. Arthur Potts: Point of order, Chair.

The Chair (Mr. Shafiq Qaadri): Mr. Potts.

Mr. Arthur Potts: I'm just looking at the time and wondering whether we may just adjourn for the day.

The Chair (Mr. Shafiq Qaadri): You may continue to wonder, Mr. Potts.

May I take it as the will of the committee that we'll consider the next four sections en bloc: 87, 88, 89, 90?

Mrs. Gila Martow: Sure.

The Chair (Mr. Shafiq Qaadri): Do sections 87, 88, 89 and 90 carry? Carried.

Government motion—it's up to you. If the committee wants to adjourn—

Mr. Lorenzo Berardinetti: No, let's finish it off.

Interjections.

The Chair (Mr. Shafiq Qaadri): I think we should have a debate and vote on speakers.

All right, government motion 135.

Mr. Mike Colle: Carried.

Laughter.

The Chair (Mr. Shafiq Qaadri): It has to be proposed first, but I appreciate the enthusiasm, Signor Colle.

Ms. Sophie Kiwala: I move that section 91 of the Child, Youth and Family Services Act—I haven't said that in a while—2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Child's views and wishes

"(11) Before making an order under subsection (2), the court shall take into consideration the child's views and wishes, given due weight in accordance with the child's age and maturity, unless they cannot be ascertained."

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 135? Miss Taylor.

Miss Monique Taylor: We've seen these come through. They reflect Katelynn's Principle. I just think it's unfortunate that we didn't give it a name.

The Chair (Mr. Shafiq Qaadri): Further comments on motion 135?

Mr. Arthur Potts: Point of order.

The Chair (Mr. Shafiq Qaadri): Mr. Potts.

Mr. Arthur Potts: I move a 20-minute recess.

The Chair (Mr. Shafiq Qaadri): That's not a point of order.

We're adjourning in 35 seconds, in any case. Let me just do the final vote here. Those in favour—yes, Ms. Martow, did you want—

Mrs. Gila Martow: I just wanted to say that it was in the preamble, so why wasn't it in the bill?

Let's vote.

The Chair (Mr. Shafiq Qaadri): Thank you. Those in favour of government motion 135? Those opposed? Government motion 135 carries.

Shall section 91, as amended, carry? Carried.

I commend you and congratulate you on your patience. Incidentally, our committee is scheduled to meet on budget day, so it likely will be rescheduled, but we will adjourn till then.

The committee adjourned at 1759.



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Mr. Lou Rinaldi (Northumberland–Quinte West L)

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Ms. Marian Mlakar, director, children and youth at risk branch,
Ministry of Children and Youth Services

Ms. Melissa Phillips, counsel, legal services branch,
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